

The Correspondence of Sir Ernest Satow
while he was British Minister in Japan (1895-1900)
from the Satow Papers
held at The National Archives, Kew, London

Published in Full for Researchers with Notes
by Ian Ruxton, Kyushu Institute of Technology

Volume Two

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Preface

The following represents as closely as possible what a researcher would see in the mostly handwritten files of the Satow Papers on a visit to the National Archives (formerly the Public Record Office) in Kew, West London. The Satow Papers were left to the nation in the last will and testament of Sir Ernest Satow (1843-1929). This substantial book is just a small part of the available papers, and contains a great deal of minutiae which may be of limited interest to those without a specific and related research topic in mind. Nevertheless, an accurate impression of the preoccupations and language of Victorian diplomacy, consular work etc. in late 19th century Japan may be gained by all readers. Annotations have been added to assist the reader's comprehension.

Volume One comprises chiefly official letters addressed and sent to Satow from the Foreign Office in far-off London, the Tokyo legation and consular staff at Kobe, Nagasaki and Hakodate. (Satow Papers reference PRO 30/33 5/1 through 5/10.)

The letters in Volume Two are all from Yokohama: the Consulate, H.M. Court for Japan and the Chamber of Commerce. The letters are almost all addressed to Satow, though Gerard Augustus Lowther was Legation Secretary and acting Minister (Chargé d'affaires) in 1897 when Satow went home on leave. The consular letters are mainly from the Consul or Acting Consul but also some are from consular officials. These included – in order of appearance in this volume – John C. Hall, Raymond de B.M. Layard, Arthur Hyde Lay, James Troup, Ralph G. E. Forster, Henry A.C. Bonar and Ernest M. Hobart-Hampden. The Judges for Japan were R.A. Mowat (PRO 30/33 6/5) and H.S. Wilkinson (PRO 30/33 6/6). The Chairman of the Yokohama Chamber of Commerce (and the International Committee thereof) was Richard D. Robison (PRO 30/33 6/13).

Some copies or drafts of Satow's and one or two of Legation Secretary James B. Whitehead's replies on his behalf (in 1899) were also included by him.

All and any errors in transcription, and also the few sections deemed 'illegible', are apologised for in advance.

Ian Ruxton
July 2011

Some Books by the Same Author

Ian Ruxton (ed.), *The Diaries and Letters of Sir Ernest Mason Satow (1843-1929): A Scholar-Diplomat in East Asia*, Edwin Mellen Press, 1998 (A general introduction to Satow's life and letters.)

Ian Ruxton (ed.), *The Diaries of Sir Ernest Satow, British Minister in Tokyo (1895-1900): A Diplomat Returns to Japan*, Tokyo: Edition Synapse, 2003, with an introduction by Dr. Nigel J. Brailey (republished as a paperback in 2010 through Lulu Press)

Ian Ruxton (ed.), *The Correspondence of Sir Ernest Satow, British Minister in Japan, 1895-1900, Volume One*, Lulu Press Inc., 2005

Ian Ruxton (ed.), *The Diaries of Sir Ernest Satow, British Envoy in Peking (1900-06)*, Lulu Press Inc., 2006 (Two volumes. Volume 1 – 1900-03; Volume 2 – 1904-06) with an introduction by Dr. James E. Hoare

Ian Ruxton (ed.), *The Semi-Official Letters of British Envoy Sir Ernest Satow from Japan and China (1895-1906)*, Lulu Press Inc. 2007, with an introduction by Dr. James E. Hoare

Ian Ruxton (ed.), *Sir Ernest Satow's Private Letters to W. G. Aston and F. V. Dickins: The Correspondence of a Pioneer Japanologist from 1870 to 1918*, Lulu Press Inc. 2008, with an introduction by Professor Peter F. Kornicki

Ian Ruxton (ed.), *A Diplomat in Japan, Part II: The Diaries of Ernest Satow, 1870-1883*, Lulu Press Inc. 2009, with an introduction by Sir Hugh Cortazzi

For these and other books, including translations from Japanese to English, see <http://www.lulu.com/ianruxton> and the amazon websites.

The British Consulate in Yokohama 1895-1900

List of Consular Officials

	Rank	Name	Appointed to Present Rank
1895	Judge for Japan	R.A. Mowat	1 April 1891
	Crown Prosecutor	Henry C. Litchfield	23 July 1885
	Clerk	Charles Davis Moss	3 March 1883
	Consul	James Troup	1 April 1877
	Constable	George Hodges	21 August 1877
	2nd Constable	George Kircher	1 March 1891
	1st Class Assistant	Henry Alfred C. Bonar	20 September 1889
		William Joseph Kenny	1 October 1888
		Raymond de B.M. Layard	30 January 1889
	2nd Class Assistant	Arthur Hyde Lay	20 September 1889
	Student Interpreter	John Baptist Rentiers	26 July 1888
		Harold George Parlett	21 August 1890
1896	Judge for Japan	R.A. Mowat	1 April 1891
	Crown Prosecutor	Henry C. Litchfield	23 July 1885
	Registrar	William Joseph Kenny	27 September 1895
	Clerk	Charles Davis Moss	3 March 1883
	Consul	James Troup	1 April 1877
	Constable	George Hodges	21 August 1877
	2nd Constable	George Kircher	1 March 1891
	1st Class Assistant	Henry Alfred C. Bonar	20 September 1889
		Raymond de B.M. Layard	30 January 1889
	2nd Class Assistant	Arthur Hyde Lay	20 September 1889
	Student Interpreter	John Baptist Rentiers	26 July 1888

1897	Judge for Japan	R.A. Mowat	1 April 1891	
	Crown Prosecutor	Henry C. Litchfield	23 July 1885	
	Clerk	Charles Davis Moss	3 March 1883	
	Consul-General	James Troup	18 November 1896	Asst. Judge
	Constable	George Hodges	21 August 1877	
	2nd Constable	George Kircher	1 March 1891	
	1st Class Assistant	Arthur Hyde Lay	31 December 1896	
	2nd Class Assistant	John Baptist Rentiers	8 August 1896	
1898	Judge for Japan	Hiram S. Wilkinson	1 April 1891	
	Assistant Judge	James Troup	18 November 1896	Retired 1 April 1898
	Crown Prosecutor	Henry C. Litchfield	23 July 1885	
	Clerk	Charles Davis Moss	3 March 1883	
	Consul-General	James Troup	18 November 1896	Retired 1 April 1898
	Constable	George Hodges	21 August 1877	
	2nd Constable	George Kircher	1 March 1891	
	1st Class Assistant	Arthur Morison Chalmers	8 August 1896	
		Ralph George E. Forster	8 August 1896	
	2nd Class Assistant	John Baptist Rentiers	8 August 1896	
1899	Judge for Japan	Hiram S. Wilkinson	1 April 1891	
	Assistant Judge	Henry A. C. Bonar	4 February 1896	
	Crown Prosecutor	Henry C. Litchfield	23 July 1885	
	Registrar	H. G. Parlett (acting)	8 August 1896	
	Clerk	Charles Davis Moss	3 March 1883	Acting Registrar
	Consul	Henry A. C. Bonar	4 February 1896	
	Constable	George Hodges	21 August 1877	
	2nd Constable	George Kircher	1 March 1891	
	1st Class Assistant	Arthur Morison Chalmers	8 August 1896	
		Ralph George E. Forster	8 August 1896	Acting Consul 1899
	2nd Class Assistant	H. G. Parlett (acting)	8 August 1896	
		Thomas Joseph Harrington	20 September 1898	

1900	Judge for Japan	Hiram S. Wilkinson	1 April 1891	
	Assistant Judge	Henry A. C. Bonar	4 February 1896	
	Crown Prosecutor	Henry C. Litchfield	23 July 1885	
	Registrar (acting)	Charles Davis Moss	3 March 1883	Retired 1 July 1900
	Clerk	Charles Davis Moss	3 March 1883	
	Consul	Henry A. C. Bonar	4 February 1896	
	Vice-Consul	E.M. Hobart-Hampden	8 August 1896	
	Shipping Clerk	George Hodges	1 November 1899	
		George Kircher	1 April 1891	
	1st Class Assistant	Arthur Morison Chalmers	8 August 1896	
		Ralph George E. Forster	8 August 1896	
	2nd Class Assistant	E.M. Hobart-Hampden	8 August 1896	
	Student Interpreter	Ernest Hamilton Holmes	1 April 1897	

Source: F.O. Lists. See also M. Kuwata, *The British Diplomats in Japan 1859-1945* (Kobe: Mirume Syobo, 2003)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Satow Papers: PRO 30/33 6/1

**Correspondence and Papers (private). Japanese mission. Consular Staff.
Yokohama: John Hall, James Troup. (August 1895 – February 1897)**

1. Acting Consul J.C. Hall to Satow

Yokohama

19.8.'95.

My Dear Sir Ernest,

Thanks for the sight of the Vice-Minister's note & enclosure, which I return herewith. The cloud of suspicion about the death is certainly thickening. The Constable has just (3.20 p.m.) returned with the body, which the jury are now being summoned to view at 5 o'clock. The inquest will commence tomorrow morn[in]g after the post-mortem has been held. Nearly everything depends on its result.

I trust you will enjoy your holiday in the hills, & that nothing will occur to shorten it.

Yours Sincerely

J.C. Hall ¹

¹ John Carey Hall (1844-1921). M.A. of Queen's University, Ireland. Appointed student interpreter in Japan, December 1867. Called to the Bar at the Middle Temple, 1881. Appointed Assistant Japanese Secretary at Tokio, April 1, 1882. Acting Consul at Nagasaki, November 1890-February 1892; and at Yokohama in 1895 and 1896. Consul at Hiogo (Kobe), 1896-1902. Hiroshima and Yamaguchi prefectures were transferred from his District to the Consular District of Shimonoseki on April 1, 1901. Consul-General for the Consular District of Kanagawa to reside at Yokohama, 1902-14. (from F.O. List, 1921)

拜啓陳者貴國人ブロックバング氏山梨縣下
西八代郡九一色村旅舎に於テ殺害セラレ候旨
甲府地方裁判所檢事ヨリ報告有し趣
ヲ以テ司法大臣ヨリ通報致シ來リ矣間
不取敢右寫相添此段及御通知候敬具
明治廿八年八月十七日 原外務次官
英國公使
アーネスト・サトウ閣下

Letter to British Minister Ernest Satow from Japanese Foreign Office about the murder of an Englishman named Brockbank[?] in Yamanashi prefecture (p. 5 in file):

“Dear Sir, I beg to inform you that the Minister for Justice has informed us that he has received a report from the Prosecutor of the Kōfu Regional Court that a Mr. Brokkubangu of your country was murdered in a ryokan (ryosha) in Kuishiki village in the county of Yatsushiro in Yamanashi prefecture. Together with this letter please find the details attached on the right. Respectfully, Hara [Kei/Takashi], Vice Minister for Foreign Affairs, 17th August of Meiji 28 [1895].”

管内西八代郡九一色村旅舎ニテ英人
ブロクバング殺害セラル今臨檢中委
細後
明治廿八年八月十六日午後九時四十五分
甲府地方裁判所檢事ニ代理
檢事 中谷倉太郎

Attachment to the letter from the Japanese F.O. (p. 4 in file): “Within this jurisdiction at a ryosha [Japanese inn] in Kuishiki village, Nishi Yatsushiro county, a British man Brokkubangu has been murdered and we are now investigating this matter. Details to follow. Nakatani Kuratarō, Prosecutor, On behalf of the Chief Prosecutor of the Kōfu Regional Court. August 16th of Meiji 28 [1895], at 9.45 p.m.”

2. Hall to Satow

Yokohama

2.9.'95.

My dear Sir Ernest,

There is ample proof forthcoming of the Formosan origin of Kilby's sugar. The merchant's clerk at Takao who shipped it on board the "Bonnington" is at present at Nikko, but is coming in this week, and will make an affidavit of the facts. Then the B/L [Bill of Lading], one of a 3-plicate set is in hand; and Kilby can make an affidavit, as an expert dealing in sugars, that this particular kind is Formosan, and that part of it, nearly half, has already been sold to Japse. dealers, experts, as Formosan. I will let you know as soon as the affidavits are ready, and await your directions as to the manner of forwarding them.

The "Rainbow" came in this morn[in]g; and instead of going on to join the Fleet at Hakodate, as was expected, is to await further orders here. The "Archer" is expected in to-morrow.

Yours Sincerely,

J.C. Hall

3. Hall to Satow

Yokohama

9th Sepr. 1895

My Dear Sir Ernest,

I am not at all surprised at Samuel & Co's letter being sent back for more careful redaction. I shall take care that no more claims of the kind are handled in the way that this one has been from the outset. I hope to have all the required documents ready to-morrow, and Samuel & Co's letter to you will itself have to be re-written.

The Manager of the Hongkong Bank [David Jackson] here is very desirous of having the benefit of your advice as to the best manner of approaching the Japanese Government with reference to the Bank's sharing in the financing of the payment of the Chinese indemnity. ² Can you kindly grant him an interview? And if you can, will you kindly send me a wire or a line to say what day and hour will suit you to see him. I ought to mention that he is a shy man and a poor talker; and if you accord him an interview he will be accompanied by the Accountant, Mr. [T.S.] Baker, a very nice

² Presumably the indemnity agreed at the Treaty of Shimonoseki by which the Sino-Japanese war was ended on April 17, 1895 which was later increased when the Triple Intervention soon afterwards in that same month by Russia, France and Germany deprived Japan of the Liaotung peninsula.

fellow, who is really the brain of the establishment here. If not inconvenient to you, they would prefer the afternoon, so as not to be both absent together in Bank hours.

Yours Sincerely

J.C. Hall

4. Hall to Satow

Yokohama

10 Sept. 1895

I return you Samuel & Co's letter with the enclosures as complete as they can be made. The enclosed note from Mr. Mitchell accounts for what is missing. I think the sworn statement of the Captain must have omitted some of the irrelevant matter contained in the [extended] ³ protest, which I send herewith, but not as an enclosure. I have rewritten the covering despatch, slightly altered. My reason for thinking the decision of the Japse. Ministry of Marine questionable is the assurance given me by Mitchell that he has submitted the papers to two disinterested & competent captains & they were both emphatically of opinion that the "Naniwa" was in the wrong. ⁴ I cd. hardly form a judgment myself on the merits from such meagre evidence, and I merely mean my statement to be taken as a sort of certificate from Consul to Minister that the complainants have prima facie a good case for appealing against the decision.

It is certainly somewhat misleading to describe the "Turbo" as lying at anchor. The protest shows that 8 minutes elapsed between the letting go of the anchor and the collision, and then she was not lying but going full speed astern. All that seems to me strongly in her favour. If the "Ravenna's" Captain had taken the same measures there wd. probably have been no collision with the "Chishima".

³ Hall's parenthesis.

⁴ In May 1895 the Imperial Japanese Navy cruiser *Naniwa* collided with the British steamer *Turbo* owned by Samuel Samuel & Co. in Nagasaki harbour. The matter was settled by an out-of-court payment from the Navy Department to the company of 1,510 yen. (Kajima Morinosuke, *Nihon Gaikō Shi*, vol. 4).

See also Satow's diary: "Called on [Foreign Minister] Saionji... [part omitted]...Naniwa-kan and "Turbo". Naval dept. declares she was not to blame, but he will give me an answer in a few days. Remarked on the impossibility of the owners' being satisfied without the case being properly tried." (November 19, 1895); ""Turbo"-Naniwa" case. Asked him [Saionji] to tell me what court would have jurisdiction if the "Turbo" brought an action. He said the Naval Dept. had no funds out of whch. it could settle the case out of court, and the only way therefore was to get a judicial decision. He wd. let me know further on what court it wd. be. In the afternoon he wrote me a private note saying that his personal opinion was that it would be the Tōkiō local court, but of course it belonged to every court to determine the limits of its jurisdiction." (November 26, 1895). "Nakada from Hara to propose that "Turbo"-Naniwa" case shld. be arranged between the parties, in order to save trouble. I agreed and said I wd. write to [director of Samuel Samuel Co. W. F.] Mitchell at once, which I accordingly did." (December 3, 1895). (Ruxton, 2003)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Mitchell is quite unable to say when the “Turbo” may return to Japan, and thinks arbitration wd. be the best course – an expert for each side with power to choose an umpire.

Yours Sincerely

J.C. Hall

5. Hall to Satow

Yokohama

13 Sept/95

My Dear Sir Ernest,

I note your instructions to me re Cornes & Co and will carefully respect them until such time as you reply officially to their claim. I think it very unlikely that the matter can long be kept secret, now that some of the interested parties have been told. Cornes & Co are only, as it were, a test case. The matter is really a public one of wide scope, affects a large number of foreign firms, and has been discussed more or less in the foreign journals.

Yours Sincerely

J.C. Hall

6. Hall to Satow

Yokohama

27 Sept. 1895

My Dear Sir Ernest,

Wheat is rather an article of Export than of import; but for all that it might be imported with profit of Australian rates are low. Messrs. Browne & Co, a most respectable firm to whom I have shown the enclosed, are importers of wool and are willing to try wheat if it promises well. You might mention their names to Mr. Carter.

Not a word of enquiry yet from any one re Cornes & Co's claim; so the Germans seem to know how to hold their tongues.

Kenny ⁵ leaves this evening, the Steamer's departure having been delayed. I suppose

⁵ William Joseph Kenny (1859-1910). Appointed Student Interpreter in Japan, May 24, 1880. Acting Registrar and Interpreter at Yokohama Court, November 13, 1886 – September 14, 1887. Promoted to 1st Class Assistant, October 1, 1888. Again Acting Registrar at Yokohama from August 10, 1889 to August 1, 1892 when he was appointed Registrar, a post he held until September 27, 1895. Appointed H.M. Vice-Consul at Tokio (local rank), March 28, 1896. Called to the Bar at Gray's Inn, June 17, 1896. Promoted to be Consul for Hakodate and Niigata, to reside at Hakodate, August 21, 1896 (did not proceed). Transferred to Tainan (Formosa), December 28, 1896. Appointed Acting

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

it is hardly necessary for me to write to you officially asking for an assistant to replace Bonar when he goes over to the Court [as Acting Registrar]? I shall be very glad to have Layard; and I understand he prefers Yokohama to any other port.

Yours Sincerely
J.C. Hall

7. Hall to Satow

Yokohama

5.10.'95

My Dear Sir Ernest,

Owing to the short stay of the fleet, [Judge of H.M. Court for Japan Robert Anderson] Mowat ⁶ was not able to get up the pilot from Nagasaki in time to carry out his plan. After the fleet had gone, the pilot came up; but Mowat was very busy when he called at the office. He is to be in Yokohama again soon, when Mowat will question him and form his judgment with such help, if any, as he may be able to get.

Yours Sincerely
J.C. Hall

8. Hall to Satow

Yokohama

12.10.'95

My Dear Sir Ernest,

Just a line to say that the Comr. [Commissioner] of Customs (thanks to your intervention), has given in as regards the refund of Kilby's Sugar ex S.S. "Bonnington"; and I have advised Kilby to make application and furnish proof as regards the transhipped sugar ex "Strathesk". Perhaps the Customs may cave in gracefully in regard thereto, and so avoid the necessity of a further fight.

The want of proper dock accommodation for Shipping here makes itself sharply felt in the case of the "Belgic"; but as the "Chen-yuen" [battleship captured from the

Consul-General at Honolulu, October 23, 1897 and had charge of that post from November 11, 1897 to February 18, 1899. Appointed Consul-General for the Philippines, May 21, 1903. Retired on a pension, June 1, 1908. [from F.O. List, 1911]

⁶ Robert Anderson Mowat (1843-1925), appointed Student Interpreter in China, 1864; and Law Secretary to the Consular Court at Shanghai, March 25, 1868. Called to the Bar at the Inner Temple, June 6, 1871; acted on many occasions as Deputy Judge at Shanghai; appointed Assistant Judge and Registrar of H.M. Supreme Court for China and Japan at Shanghai, October 30, 1878; promoted to be Judge of H.M. Court for Japan, April 1, 1891. [At Yokohama, List of 1892] Retired on a pension, June 18, 1897; died at Hove, June 7, 1925. [F.O. Lists, 1921 and 1926, quoted in M. Kuwata, *The British Diplomats in Japan 1859-1945*, Kobe: Mirume Syobo, 2003, pp. 365-6]

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Chinese navy] ⁷ is in the middle of her repairs in the only dock large enough to admit the “Belgic”, it seems to me we can hardly ask the Admiralty Authorities to clear out. The Chen-Yuen’s repairs it seems will occupy till the middle of Decr.

Nothing could exceed the friendly zeal shown by the Governor here in rendering every possible help towards salvage operations of the Belgic; and I believe the Agents & owners are going to acknowledge it as it deserves.

Yours Sincerely

J.C. Hall

9. R. de B. Layard ⁸ to Satow

H.M. Consulate,

Yokohama.

Oct. 13. '95.

My dear Satow,

You know me well enough, I think, to be aware that I am rather backward in asking for anything; but in this instance I think I may venture. I refer to the possibility of there being a vacancy in the Vice Consulate at Tokyo, if that vacancy does not become a permanency; and should like to put in my application for it now – on the chance of its being feasible to put me there. Hakodate of course was out of the question, as I was at home. Bonar has got the Court side of this Consulate with £600 pr. an. and £100 rent allowance & I should be more pleased than I can say to get the Tokyo billet. If being through the exam gives one a claim, I am next on the list. You will forgive me I hope if I am indiscreet in asking, but I believe that others are doing so also – and I dare not seem indifferent to the chance of the appointment, if such is possible.

My wife is writing to you about Tuesday; and I do hope you will be able to come and dine with us. ⁹

⁷ The German-built *Zhenyuan* 鎮遠; with Krupp armaments was captured at the siege of Weihaiwei on February 17, 1895. She was rebuilt and served through the Russo-Japanese War as the second-line battleship *Chin'en* and was eventually scrapped in 1914. See http://en.wikipedia.org/wiki/Chinese_turret_ship_Zhenyuan (accessed February 1, 2008)

⁸ Raymond de Burgh Money Layard (1859-1941). Appointed Student Interpreter in Japan, April 28, 1881. Acting Consul at Hiogo in 1890 and 1891. Pro-Consul at Yokohama, 1891-94. Acting Consul at Yokohama, 1891, 1892 and 1893. Acting Consul at Tamsui (Formosa) in 1896. Promoted Consul for Hakodate and Niigata, to reside at Hakodate, December 28, 1896. Transferred to Tamsui, August 4, 1898 and to Nagasaki, May 21, 1903. Appointed Consul in Honolulu, December 1904. Promoted Consul-General for the Philippine Islands, June 1, 1908. Transferred to Kobe, November 2, 1909. Received Coronation Medal, 1911. Made a C.M.G., June 1913. Retired on a pension, August 21, 1913. Died at Budleigh Salterton, 1941.

⁹ Satow went to Yokohama on October 15, 1897 and called on the Layards while there. (Diary, Ruxton, 2003).

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Yours very truly,
R. de B. Layard

10. Hall to Satow

Yokohama

19.10.'95

private

My Dear Sir Ernest,

I see in last night's papers that the two Consuls in Formosa have been transferred from the China to the Japan service; and, as they are both my juniors, I am in hopes that the change will lead to my salary being raised to the level of theirs. Will you kindly let me know if the news is true; and if you would approve of my applying at once for the increase, if haply I might be in time to have it included in next year's estimates. I applied twice when in Hakodate for an increase, but in vain. My case wd. seem to be much stronger now, if the news be true.

Yours Sincerely,
J.C. Hall

11. Satow's answer (written below Hall's letter)

21.10.95

My dear Hall,

I too have seen the statement abt. the 2 consuls in Formosa in the papers, but have no official or even private information abt. their transfer to the Japan service. Whether, supposing it to be true, the Treasury would see in their being added to the ranks of the Consular service in Japan, any ground for raising the salaries of those who like yourself are senior to them as consuls is a point on which I cld. not venture to offer any opinion. It wld. be better I think to wait & see what are the terms on wh. they are added to the Japan Consular service.

I daresay you know that claims similar to your own have been put forward by other men (I am speaking of what has already passed when you were at Hakodate) & that the treasury have not seen their way to giving an increase of salary in any case.

As soon as I get any information abt. Hurst & Ayrton's future I will let you know.

y.v.t.

E.S. ¹⁰

¹⁰ On October 25, 1895 Satow wrote to Sir Francis Bertie, then the undersecretary in charge of Chinese affairs at the Foreign Office: "China papers contain an announcement that Hurst & Ayrton

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12. Hall to Satow

Yokohama

Octr. 22, 1895

My Dear Sir Ernest,

Many thanks for your note, and your promise to let me know as soon as you get official information about the Formosan Consulships. It can do no harm, I think, to take advantage of the chance, when it offers, to ask again for a rise of pay; and I hope to have your support for the application.

Clement Allen, Consul for Chefoo, is here; or rather is on his way to Nikko, and will call on you as he returns on Friday or Saturday. Mr. [James Pender] Mollison¹¹ tells me he is going to call on you one day this week on the chance of being able to see you on business – of what kind he does not say.

Yours Sincerely

J.C. Hall

have been transferred to the Japan Consular Service, wch. will be a great disapptmt. to the men in Japan. For over seven yrs. there has been a block in promotion here, while during the same period there have been 13 vacancies in China. I can only hope that the interests of the men in the Japan consular service who entered it before Hurst & Ayrton entered the China service may have been provided for in making the arrangement. If either of them were subsequently to be promoted to a Consulate in Japan, he wld. be quite “out of it”, not knowing the language nor the work. In fact I think that as things now are in Formosa, men fr. here who speak Japse. wld. be more likely to be useful than those who only know Chinese. Japse. high offrs. in Formosa are not likely to speak any foreign language, & I shld. think it desirable to have Japse. speaking consuls for that reason.

If it has been decided that Hurst & Ayrton are to occupy their present posts, could it be arranged that they get their promotion to posts in China & be succeeded by men fr. Japan. Otherwise, as things stand at present, there seems to be no chance for any one here, as neither Enslie nor Troup have any intention of retiring.

y.v.t.”

[From PRO 30/33 14/8 quoted in Ian Ruxton (ed.), *The Semi-Official Letters of British Envoy Sir Ernest Satow from Japan and China (1895-1906)*, Lulu Press Inc., 2007. See also Satow to Villiers, 30 June 1899, 14/11 in which he pleads for personal allowances for Hall and Longford.]

¹¹ J.P. Mollison, the representative of Nobel’s Explosive Manufacturing Co. in Japan came to see Satow on October 30, 1895: “Mollison, abt. a plan for constructing dynamite works in Japan. Imperial Govt. to manufacture ballesterit en place. Said I would try and ask Saigō [Tsugumichi] if his refusal was definite and final.” (Diary, Ruxton, 2003).

13. Hall to Satow

Yokohama

29 Octr. 95

My Dear Sir Ernest,

Your telegram this morning was rather a sudden summons; but Lay accepted it with cheerful zeal and alacrity which I am sure you will appreciate. His sisters will not be left alone, as luckily his brother happens to be up here on a short visit from Kobe.

Kilby has received the refund of duty paid on the "Bonnington" Sugar, thanks to your intervention on his behalf.¹² As regards the "Strathesk" consignment, it might be pointed out to the Japanese Gov[ernment] that under the through Bill of Lading the Sugar was quite out of the control of the Shippers while in transit. Owing to Hongkong being a free port, no customs certificate of trans-shipment is available, but a portion of the sugar still unsold in Kilby's godown can be readily identified.

I hope Griffith's¹³ illness is not serious and that Lay's stay in Kobe may not be prolonged.

Yours Sincerely

J.C. Hall

14. Hall to Satow

1.11.'95.

My Dear Sir Ernest,

Captn. Pelly of the "Porpoise"- arrived this morning – desires me to say that he is leaving on Wednesday morning and will call on you, if you wish, at any time it may suit you to receive him.

Yours Sincerely

J.C. Hall

¹² Satow spoke to Itō Hirobumi about sugar on September 10th : "As to Flint Kilby & Co's. Formosan sugar he repeated his promise of 19 Aug." Again on September 25th: "Went to Saionji at 3, who said they had almost finished conferring betw. F.O. Finance Dept. and Legislation Bureau abt. Kilby's sugar and that he believed the duty wld. be refunded; he hoped shortly to give me an answer." Satow then met Saionji on October 3rd: "Formosan sugar. It was agreed at the cabinet council a few days ago to admit goods which could be proved to have been shipped from Formosa to Nagasaki, Kōbe or Ōzaka without payment of duty and a notification would appear in a few days. He has sent Kilby's proofs to the Finance Dept." (Diary, Ruxton, 2003)

¹³ Ernest Alfred Griffiths (1863-1913).

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

15. Hall to Satow

Confidential

Yokohama

19.11.'95

as. 20 [Satow's writing – answered on 20th?]

My Dear Sir Ernest,

For the first time to-day since the receipt of your confidential note of 14th Sept. I have been asked by a British merchant as to the result of the claim for duties overpaid to the Japsee. Customs, and the cause of the query was this (the information being given to me as confidential):-

Within the last few days the German Consulate here has furnished to the leading German firms here a memorandum (copy herewith) of the rates at which the overpayments of duty are to be calculated. This certainly looks as if the German Govt. were supporting the claim which ours has rejected. Doubtless your German colleague has informed you fully as to the course he is to pursue in the matter; but I hasten to let you know what is being done here, in case you may have any further instructions to give me in the matter. The inquirer was a merchant in no way concerned with Cornes & Co.

Yours Sincerely

J.C. Hall

5/11/74 – 5/7/85

auf Zoll \$100 920

zu ans[aus?]

311 ~ 320

circa 3%

6/7/85 – 15/10/94

pro \$100 Bu 646

zu ans

317,46

Japanch bezahlt

“ 29%[?]

16. Hall to Satow

Yokohama

25.11.'95

My Dear Sir Ernest,

The telegram I send officially herewith seems to imply that the man is in Japan; and I have accordingly given the description to the police authorities here on the chance of their being able to detect him.

I understand from Mowat that the procedure in such cases, so far as the Court & Consulate are concerned, was settled in the case of Woodin[?] the defaulting P. & O. agent in Oct. '91, following the case of the Spaniard Campos, two years before. That is to say we have nothing to do with it; the request for arrest and extradition being made from the Legation to the Guwaimu Sho [Foreign Office]. I am acknowledging the receipt of the telegram to the Col. Secy. and ask him to address any further communications to the Legation direct.

Yours Sincerely,

J.C. Hall

17. Hall to Satow

Yokohama

11.12.'95

My Dear Sir Ernest,

I shall be very glad to exchange Hakodate for Tamsui [in Formosa], and am greatly obliged to you for recommending me for the promotion. The F.O. cannot well refuse to transfer the posts, if the Chinese are to be cleared bag & baggage out of Formosa.

The Mowats went to Nikko last Friday & Mrs. M. fell down stairs at Kanaya's hotel & broke her arm close to the wrist. [Dr. Edwin] Wheeler goes out again to bring them in on Saturday.

We were very sorry not to see you on Monday or Tuesday. I wanted much to go up to the meeting of the Asiatic [Society of Japan] this afternoon ¹⁴ but cd. not leave, as there is plenty adoining here.

Yours Sincerely

J.C. Hall

¹⁴ In Satow's diary for December 12, 1895 he noted that he was elected President for the coming year. (Ruxton, 2003, p. 44)

18. Neil Gordon Munro ¹⁵ to Hall

No. 10 Bund [Yokohama]

Jan 6th

1896

Dear Mr. Hall,

I trust you will pardon the liberty which I take in drawing your attention to a decision which was arrived at before your tenure of office in Yokohama with reference to the examination of ships at Kobe before granting a British Bill of Health.

As I understand that this point is under consideration at present in Tokyo I write to press some reasons for the restoration of the status quo ante in Kobe. I may say that my opinion is based upon a large experience of epidemic outbreaks at home, & over four years experience of shipping at Yokohama.

In Kobe as in all ports on the Chinese coast to this day, it had been the custom not to grant a British Bill of Health without a medical certificate as to the sanitary condition of the ship in question.

One day, however, a clerk in Messrs. Samuels & Co's offices discovered that it was not the custom in other Japanese ports & after considerable agitation this practice was abandoned.

I am bound to regard this as a retrograde step.

In the ocean carriage of epidemic disease, the two main factors are, firstly, the seaport, considered as a point of import or export of disease & secondly, the vessel & contents as vehicles of such disorders.

The sanitary officials of Japan are chiefly concerned with the import of epidemic disease & I need not linger over this point, because I think it is at this part of the defence that quarantine or sanitary examination is of little utility.

There is a good deal to be said, however, relating to seaports as possible points of export of disease & this side of the question has engaged the attention of the Consular Authorities in Japan. It is but natural that the British Consulates should be interested in the outgoing of epidemic disease from Japan, seeing that the great bulk of trade from hence is carried to, or by way of, British ports, in British bottoms.

When the Consular Authorities go further & undertake to provide departing vessels with Bills of Health, which incorporate statements regarding the sanitary state of the port, it is evident that they become responsible agents for the prevention of the spread of

¹⁵ See Jane Wilkinson, 'Gordon Munro: Ventures in Japanese Archaeology and Anthropology', in Ian Nish (ed.), *Britain and Japan: Biographical Portraits*, Volume I, Japan Library, 1994. Chapter 17, pp. 218-237.

epidemic disease.

Such a Bill of Health admits a vessel, leaving a land where epidemic disease exists, or is suspected to exist, to free pratique.¹⁶

It disarms suspicion & permits free intercourse between the vessel & its port of destination. This, at least, is its *raison d'être*, & if such a document disguises the true state of affairs existing in the port from whence it is issued, it may lead to very unpleasant & even terrible results.

I need not call your attention to the fact that in Kobe & Yokohama, during the height of the late epidemic, it was stated on the British Bills of Health, that no cholera &c. existed in these ports & it was only after the number of cases had fallen to less than half, that Japanese official declarations came out & were noted in the Bills of Health.

Of course I know that it is extremely difficult to know where to draw the line in those cases. But I do say this, that the British Consular Authorities ought to be in sanitary touch with these ships, so that even if official doubt as to the state of infectiveness of any port, there ought to be little regarding the state of the vessels themselves.

When a British vessel from Japan reaches a port such as Victoria [capital of British Columbia, Canada with a quarantine station], the master has to answer the following, amongst other, questions:

“Has your vessel touched at any place or places on her voyage?

Was such place, or places, infected with cholera, small-pox plague or any pestilential fever or disease?”

The ship's master, like the Consular authorities, goes only by his official information, even if he knows that certain ports which he has left are being ravaged by disease & he shows his Bill of Health as proof of his statement. Then he has to swear on the following oath that he has no knowledge of the existence of such disease.

“I Master or I surgeon (if any) do solemnly & sincerely swear to the exactness & truth of the answers to the above questions, signed by me. So help me God.”

In point of fact a vessel may clear from a Japanese port with a clean Bill of Health although the port is permeated with pestilence, & it is to be noted that the vessel may be infected to a most dangerous degree, even to carrying cases of actual disease along with her clean Bill of Health.

¹⁶ free pratique: official permission from the port health authorities that the ship is without infectious disease or plague and the crew is allowed to make physical contact with shore; otherwise the ship may be required to wait at quarantine anchorage for clearance

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Humanly speaking, this could happen, if at all, but very rarely if a previous sanitary inspection were made. Certainly the risks of carrying away latent small-pox & other epidemic diseases would be very much diminished.

As I have said, it was formerly the rule in Kobe, & is still in all the Chinese ports, for a sanitary certificate regarding the ship to be delivered to the Consul by the medical man attending the ship previous to the granting of a certificate from the Consulate.

The fee was small – five yen I think for each ship, which was cheerfully paid & the Consulate was not only in a position to grant a certificate which held some value, but it was also kept in a position of sanitary touch with the vessels in port.

Even with regard to other matters, such as the existence of Scurvy on board the official status, so to speak, of the doctor attending the shipping gave him a wonderful hold over the captain when the question of good food & fresh provisions was discussed.

Personally I have, on two occasions, had much trouble in persuading captains to give the proper amount of fresh food in those cases & in one case it was only by a direct threat to inform the Consul, that I persuaded a captain to supply to his crew affected with scurvy, proper salt instead of the refuse of the beef casks[?], which contains, I believe, a proportion of salt petre.

When such an appointment exists, the medical officer is bound, ex officio [by virtue of his office], to report all cases of infections & other preventable[?] disease to the Consulate, & other matters relating to the state of the water supply, & the state of the medicine chest, which often falls very far short indeed of the Board of Trade requirements – should be placed under his supervision.

This need not cost the Consulate a single farthing & the tax on each ship would be so light that it would be nothing at all to speak of.

Other reasons in plenty could be offered, but I have already gone far enough to make you think that I am only making a request for my personal advantage.

It is however not so. I would not at all object to see the custom carried out here, but Kobe has claims above this port, & deserves prior attention.

The practice existed there & was abolished at the waving of a hand in Samuel's office. I understand that there was no British Minister in Japan at the time. I understand also that the matter has been again referred by the British Consul at Kobe to the Legation in Tokyo, & if you think my reasoning is satisfactory, I have no doubt you will do something.

With regards, Yours faithfully,

Neil Gordon Munro

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

19. Hall to Satow

Yokohama

7.1.'96

My Dear Sir Ernest,

[John Baptist] Rentiers' ¹⁷ two years leave expire on the 20th inst., and a letter for him from England has arrived; hence Lay thinks he will likely arrive in the course of this month, and is anxious to know if there is any chance of his wish being granted, i.e. of being sent to Kobe when Rentiers arrives. An early indication of your intention in the matter may save him considerable expense, as he has to look-out, in case he is moved, for a house for himself and his two sisters beforehand, and to give notice to his landlord here (in lieu of rent).

You may remember I ventured to bring [Arthur Hyde] Lay's ¹⁸ request to your favourable consideration, on the ground of his general deserts, of his having passed his interpreter's examn. and of his having two sisters living with him and consequently not being able to make use of the assist's quarters at this Consulate. I do hope you will decide the point in his favour, although I shall be downright sorry to lose him. He is a firstrate officer, and a thoroughly estimable young fellow in every way. I hope you won't think me to forward in pressing his claims.

Are we likely to have the pleasure of seeing you soon in Yokohama again?

Yours Sincerely

J.C. Hall

¹⁷ John Baptist Rentiers (1867-1930), appointed Student Interpreter in Japan, July 26, 1888. At Yokohama, promoted to 2nd Assistant, August 8, 1896; promoted to First Assistant, August 10, 1898. Acting Consul at Nagasaki on various occasions, 1898-1900, and in 1903. Called to Bar, June 1902. Acting Vice-Consul at Kobe, 1903 and 1904. Acting Consul 1906 and 1907. Promoted to be Consul at Tamsui, November 17, 1909. Transferred to Honolulu, February 3, 1913; and to Nagasaki, January 22, 1914. Acting Consul-General at Manila in 1914, promoted to be Consul-General for the Philippine Islands, January 26, 1915. Retired on a pension, January 11, 1920. (from F.O. List, 1931)

¹⁸ Arthur Hyde Lay (1865-1934), born in Chefoo, China, son of William Hyde Lay, H.M. Consul at Chefoo. Appointed Student Interpreter in Japan, February 1, 1887. Promoted to 2nd class Assistant at Yokohama, September 1889; and 1st Class Assistant, December 31, 1896. Pro-Consul at Yokohama, 1894-96. Acting Consul, 1894 and 1896. In charge of the Vice-Consulate at Tokio in 1896 and 1897. Acting Japanese Secretary, 1899-1902. Vice-Consul at Chemulpo, 1902. Consul, 1907. Consul at Honolulu, 1912; Shimonoseki, 1913. Acting Consul-General at Kobe, 1913 and 1914. H.B.M.'s Consul-General for Corea, 1914-27. Retired 1927. Publications: Chinese Characters for the use of Students of Japanese (3rd ed.); contributions to the Asiatic Society of Japan, the Korea Branch of the Royal Asiatic Society etc. (*Who Was Who*, 1919-1940 and F.O. List, 1936).

20. Hall to Satow

Yokohama

8.1.'96

My Dear Sir Ernest,

The only Chinese B.S. [British Subject] at this port is Kingsell the Stationer, and I fancy there are not half a dozen in all Japan. But the practice has been, and rightly, to treat them in all respects as British subjects, with full rights as such, vis-a-vis the Japse. authorities and people. Such disabilities as attach to their status attach only in their country of origin. I saw the para. you refer to, and marvelled much on what ground Govr. Kabayama [Sukenori, of Formosa] presumed to question the right of a bona fide holder of a British Certificate of Naturalization – or registration at Hongkong – to enter and reside at the Formosan treaty ports. I fancy the difficulty between him and [Richard Willett] Hurst ¹⁹ must have been rather that of satisfactory proof of the identity of the individuals producing Colonial Certificates of Naturalization than about the rights of such persons when satisfactorily identified as bona fide holders thereof. The Consul's right and duty to accord full British protection to such in Formosa cannot seriously be called in question. It wd. be quite a different matter if it were the Chinese Authorities who challenged our rights; and even they wd. have no ground to stand on as against persons born in Hongkong of parents who were naturalized or born there. A few months ago I gave Kingsell's son a certificate of British nationality, after full enquiry into the facts, to enable him to get married at Hongkong.

Hoping to see you in Yokohama about the 20th believe me

Yours Sincerely

J.C. Hall

P.S. Great rejoicing throughout the Consulate over Hodges's increase of pay.

¹⁹ Richard Willett Hurst of the British China Consular Service was appointed Consul at Tainan in Formosa on December 1, 1893 before the island was transferred to Japan as one result of the Treaty of Shimonoseki of April 17, 1895. Hurst was transferred to Pakhoi (near the Vietnam-China border) on February 4, 1896. Joseph Henry Longford of the Japan Consular Service took over as Consul from Hurst (see PRO 30/33 5/11).

21. Hall to Satow

Yokohama

17.1.'96

private

My Dear Sir Ernest,

The enclosed unsolicited communication [see no. 18 above] is from a pushing young Scotch medico at this port. I gave him to understand that as he had not been asked for advice and the matter had reference to another Consulate, I cd. not forward it to you officially. However he has called personally and urged me to bring it to your notice somehow, even if I dissent from his views, which I do. His profession of disinterestedness in the matter need not be taken too seriously, as he has most of the shipping practice here; and if medical certificates were made compulsory at Kobe this port must necessarily come under the same rule.

Captain [William H.] Henderson [of the first class cruiser H.M.S. Edgar, launched November 1890] has just invited me to lunch with him on Monday, and adds: "I am really asking you in Bonar's place who is off to Kobe." I have declined, and hope you won't think me disrespectful.

Yours Sincerely

J.C. Hall

22. Hall to Satow

Yokohama

25.1.'96

My Dear Sir Ernest,

The Attorney General of New South Wales – Mr. J.H. Want ²⁰ – arrived this morning by the S.S. "Tai Yuan". He is ostensibly travelling for the sake of his health, but really on public business, and has credentials from the Premier of N.S.W. I waited on him at the Grand Hotel, and in the course of a short interview learned that his real mission is to make observations and advise as to whether his Govt. shd. accede to the New [Anglo-Japanese] Treaty [of Commerce and Navigation signed on July 16, 1894] or not. He will wait on you on Monday forenoon, unless you appoint another time.

His Private Secretary, Mr. Murray White, threw out a broad hint that he wd. like a

²⁰ See Satow's diary for January 29, 1896: "Mr. J. H. Want, Att. Genl. [Attorney General] of New South Wales, and his friend J. Murray White called. The principal object of their visit was to say that tho' the Colony wished to accede to the Treaty, they desired to be able to legislate against labour. So I told them confidentially that I had instructions to try and arrange this point, and wld. let them know when anything was settled. Want is going to Kōbe and is to inform me of his movements."

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

special train when he travels about the country; but I suggested that that cd. be better
arranged at the Legation.

Yours Sincerely
J.C. Hall

23. Hall to Satow

Yokohama

27.1.'96

My Dear Sir Ernest,

I have sent your messages to Mr. Want and to Mr. Witkowski. ²¹ I don't think the
former will bother you about "railway facilities", as I saw him yesterday at Kamakura,
and in the course of a chat let him down gently on the subject. I got the enclosed from
him after 11 o'clock today and at once wired to you.

Yours Sincerely
J.C. Hall

Enclosure: Want to Hall

GRAND HOTEL LTD.

Nos. 18, 19 & 20 BUND YOKOHAMA

LOUIS EPPINGER MANAGER

My Dear Sir

I have a bad cold and fear travelling in the wet weather.

Will there be any vacancy[?] for my seeing the Minister today or will any time later
on be convenient.

Yours Truly
J. Want
A.[sic.] C. Hall
H.B.M. Consul
Yokohama

²¹ See Satow's diary for February 12, 1896: "J. Witkowski came abt. Pears' soap. He says it is a
weak case, as tho' the illustrated sheet inside is an imitation, the outside box is not. W. has been 25
years in Japan, is a Pole. Thinks Japan will be uninhabitable for foreigners when the new Treaties
come into operation. Distrusts all Japanese. I said I quite understood his solicitude, but hoped things
would turn out better than he expected. Of course when that time arrives we may expect to have a
good deal of trouble. He is to send me a package of the soap that has been imitated."

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

24. Hall to Satow

Yokohama

29.1.'96

My Dear Sir Ernest,

Best thanks for your note of to-day, informing me of the F.O.'s approval of my appointment to Tamsui [in Formosa]. Promotion is always welcome.

I gratefully accept your kind offer to allow me to remain here till Troup's return, which, I take it, is not due till the end of August.

Sincerely Yours

J.C. Hall

25. Hall to Satow

Yokohama

30.1.'96

Messrs. Witkowski write to me to-day saying that they have written to Kōbe to obtain proofs as to the fraudulent imitation of Pears & Co's Trade Marks, and after securing same they will call on you.

Mr. Want was to call on you yesterday.

Yours Sincerely

J.C. Hall

26. Layard to Satow

Yokohama

Jan 30/96

Dear Sir Ernest,

Many thanks for offering me the acting appointment at Tamsui, which I accept with much pleasure. I appreciate your kindness much in offering it to me.

Yours very truly

R. de B. Layard

27. Hall to Satow

Yokohama

Feby. 3. 1896

My Dear Sir Ernest,

Thanks for your note of to-day. With Lay's willing help, I don't anticipate much difficulty in carrying on the work here until such time as you may find yourself able to

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

spare me a junior assistant. Perhaps when the returns for the Trade Report are being compiled I may ask you to sanction my engaging outside clerical help – but that wd. be only for a week or two at most.

I have a few calls to pay in Tōkyo, and shall take my chance of being able to see you on Wednesday or Thursday next. I have a representation to make on Lay's behalf against the time when you have to deal with the promotions of the assistants.

I hear that Perkins, the Student Interpreter at Amping [Anping, a district of Tainan city, Southwest Formosa], is desirous of being taken into the Japan Service and has already made some study of the language. The officers of the "Pique" speak of him as a very promising linguist.

Yours Sincerely

J.C. Hall

28. Layard to Satow

Yokohama

Feb. 3. 1896.

Dear Sir Ernest,

Many thanks both for your private note and despatch. Subject to your approval, I propose to go to Shanghai by the C.P.R. [Canadian Pacific Railway steamer] on the 18th inst. From Shanghai I understand steamers go every 2 or 3 days to Amoy whence there is a daily traject to Tamsui.

I have been quite unable to gain any information here about more direct routes. Hongkong of course is the alternative to the Shanghai route – thence to Amoy as in the other case. I suppose the journey will take 1 week or eight days in the other case. From all reports Tamsui itself is a fever stricken hole, Twatutia where the foreign community resides being anything from 10 to 14 miles upstream, it will be time enough however to report on that when I get there. My present intention is to take my wife with me; as she can leave if it is too bad, whilst if I left her here, the worse weather might arrive just in time to prevent her following me at all. Christabel & the nurse go to the Lowders – good people. Hall suggests a gunboat from Nagasaki to Keelung as a means of getting to Tamsui, but I should think the Sh'ghai route more convenient, if longer by a day or two.

But I am at your service in every way.

Yours very truly

R. de B. Layard

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

29. Hall to Satow

Yokohama

6.2.96

My Dear Sir Ernest,

The passage to which I referred as justifying Lay's claim to promotion over junior assistants who have not passed in Japse. is in the "Genl. Regulations for the Establishments &c. in China", of April 1st 1862; par. 2, second sentence:- "a knowledge of the Chinese" &c.

It is the next sentence but one of the same paragraph that empowers you to grant local leave; and par. 2 of Part V confirms & completes it.

I am making enquiries of the telephone people here as to cost &c.; but they won't even undertake to make an installation until the Diet has passed the estimates of the Department of Communications. I don't accept this, however, as a definite reply; and hope to make it all right and send you an official application in the course of a day or two.

Yours Sincerely

J.C. Hall

Satow's reply (written on Hall's letter)

Wrote 7/2/ in reply that I did not think this applied, & the rule abt. not being promoted to independ[en]t post sufficient. However when I reply to F.O. desp. of Jan. 13 wch. is announced, the occasion wld. present itself, tho' I am not in favour of using it.

30. Hall to Satow

Yokohama

11.2.'96

ans. 13.2.96 Letter written to Min. of Communications 12.Feb.96. [Satow's handwriting]

My Dear Sir Ernest,

The Steamer referred to in the enclosed is the "Tai-yuan", belonging to the China Navigation Co., of which Butterfield & Swire here are agents. The two rescued men were handed over to the Water Police direct, without any report being made to this Consulate. The first intimation I had of the matter was a letter from the Chiji [prefectural governor 知事], asking me to convey his thanks to the Captain whilst he reported it &c. &c.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

The telephone exchange people here assure me that there is no probability of our getting a telephone installation before next year! It seems that the budget appropriation for this service is quite inadequate; that a crowd of applications for installations has been accumulating for months past; and that each will have to await its turn in order as received. Perhaps you may be able to test these representations by enquiries in the proper quarter at Tokyo; and in the meanwhile I may wait to hear from you before applying officially for the grant of the extra funds?

I have received a request from the agent of the China Insur[an]ce Co. here for information as to the Jap[an]ese Law of Marine Insurance. I can't find that any statute law on the subject has yet been enacted and purpose [=intend] giving that as my official reply. Do you happen to know if the subject is dealt with in the forthcoming codes?

Yours Sincerely

J.C. Hall

31. Hall to Satow

Yokohama

13.2.'96

My Dear Sir Ernest,

Thanks for your note and for the trouble you are taking about the telephone, and the enquiries about Marine Insurance Law.

I shall not fail to keep you informed of any correspondence or other matter of interest or importance that occurs here.

As regards the rescue of the 2 Jap[an]ese by the "Tai yuan", the Governor, in reporting the facts to me, states that he at once reported the circumstances to the Imperial Govt.; and as I knew that their thanks wd. be conveyed thro' you, I thought it was hardly necessary to report my correspondence officially.

Poor [J.F.] Pinn ²², Manager of the "Japan Herald", had a paralytic stroke this morning, and is not expected to recover.

We have had a fall of snow this morning, which is both welcome and salubrious after the long spell of dry weather we have been having. Hoping you will have fine weather for your visit to-morrow, believe me

Sincerely Yours

J.C. Hall

²² J.F. Pinn was Editor of the *Japan Herald* from 1888 to 1893. He leased it from the previous editor J.H. Brooke, who also owned the newspaper from 1870 to 1902. (J.E. Hoare, *Japan's Treaty Ports and Foreign Settlements*, Folkestone: Japan Library, 1994, p.181).

32. Hall to Satow

Yokohama

15.2.'96

My Dear Sir Ernest,

I return with thanks Mr. Shirane's letter ²³ ; and will apply at once for your recommendation of the expenditure to the F.O. in advance.

The cost will be a fixed yearly charge of \$35 for Yokohama only. For communication with Tokyo the charge is 15 sen each time for 5 minutes conversation. Allowing for one communication a (week)-day, this wd. make say \$47 additional; \$82 altogether; or about \$20 a quarter. It wd. be much better if there were a fixed yearly charge as between the two places; but it seems this is not feasible.

Perhaps you may think it better to apply for a more liberal allowance; and may have time to talk over the matter with me on a Monday evening next.

I gave the coachman "fits" for being late with your carriage yesterday. He had no excuse to offer.

Yours Sincerely

J.C. Hall

33. Hall to Satow

Yokohama

26.2.'96

Confidential

My Dear Sir Ernest,

In spite of any denials which Chinese Ministers may have made as to the handing over of Kiao-Chow Bay to Russia, it is a fact that three young Chinese who speak Russian, (having learnt it at the Tung-Wen Kwan [College of Languages]) have been sent by the Tsung-li Yamen [Chinese Foreign Board/Office 總理衙門] to hand over exclusive possession of the Bay to the Russians.

I could not learn on which of the Russian ships the other two are; but the third, after staying a few days in Tokyo, left on Monday last in response to a call from the [Russian armoured cruiser] "Admiral Nakhimoff" [sunk at the Battle of Tsushima, May 1905]. He was about 25 years of age and had a handsome allowance of pocket-money from the Russians.

²³ Shirane Senichi of Chōshū, Minister of Communications.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

I presume Germany & France will soon come in for their turn of having similar naval bases “lent” to them; but of course that is a mere surmise. But I don’t remember the German fleet ever having been so strong out in these waters. There is a German officer (Reserve) in prison here for fraud who is undoubtedly the man who was caught sketching the defences at Singapore; and I believe he is really a German spy; tho’ the Straits Magistrate let him off on his plea that he was only making the sketches for his own amusement.

Yours Sincerely

J.C. Hall

34. Hall to Satow

Yokohama

28.2.’96

My Dear Sir Ernest,

“26” in my note of yesterday was a slip. Mr. Laisun[?] told me, in confidence, yesterday [i.e. February 27th], at tiffin.

The Comr. of Customs here tells me that the Annual Return of Forn. [Foreign] Trade will not be published till the end of next month or the beginning of April. So unless Hampden ²⁴ is willing to face the twelvefold labour of compiling the Tables from the Customs Monthly Returns I shall not actually require him until the Annual Vol. comes out. If you cd. spare him, however, during March for helping Lay in general & miscellaneous work I shd. be very pleased to have him.

I have consented to my Constable, Kircher, accepting a proposal made to him by Mr. Schurr, the School-master here, that Kircher shd. give the scholars instruction in drill, outside of office hours. I hope you will see no objection.

Yours Sincerely

J.C. Hall

²⁴ Ernest Miles Hobart-Hampden (1864-1949). Appointed Student Interpreter in China, July 1888. Transferred to Japan, April 1, 1889. Promoted to 2nd Assistant, August 8, 1896. Employed as Assistant in the Japanese Secretary’s Office at Tokio, April 1 to November 26, 1896. Acting Consul at Hakodate in 1896 and 1897; at Tamsui in 1897. Acting Vice-Consul at Hiogo in 1898; Acting Consul at Yokohama in 1899. Vice-Consul at Yokohama (local rank), October 1899 to January 1901; and from April 1902 to February 1904. Promoted to 1st Assistant, April 1, 1901. Again Acting Consul at Yokohama in 1902 and 1903. Acting Consul-General in 1903 and 1904. Promoted to H.M. Vice-Consul at Yokohama, December 22, 1904. Again Acting Consul-General in 1906 and 1907. Acting Japanese Secretary from November 1, 1908 to October 1, 1909 when he was promoted to Japanese Secretary. Given the local rank of a 2nd Secretary in the Diplomatic Service, December 9, 1909 and of a 1st Secretary, August 16, 1916. Made a C.M.G. June 22, 1914. Retired on a pension, August 17, 1919. [From F.O. List, 1950]

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

35. Hall to Satow

Yokohama

1.3.'96

Private

My Dear Sir Ernest,

The impression I derived from the conversation was that something much more important than mere interpreting was behind the mission of the three men [see letter no. 33 above]; and that the denial given to your enquiry on the subject of the Bay was not quite truthful. Mr. L. [Laisun?] seemed to think that the agreement between China and Russia about the Bay committed China to alliance with Russia in case of hostilities – which he seemed to apprehend as inevitable – with Japan.

My impression is that there is no regulation which wd. prevent Kircher giving lessons in drill outside of office hours; but I will search the archives again. His agreement with Mr. Schurr is to drill the boys for half an hour (9.15 to 9.45) three mornings a week: remuneration, \$20 a month. I have cautioned him that this must not interfere with the punctuality of his attendance in office hours; and that even outside of office hours his services are absolutely at the Consul's disposal whenever required. If you think this not sufficient, however, I will withdraw my consent to the arrangement. My main reason for consenting was that there is not another person in Yokohama who cd. render the service required. It will be a heavier loss to some forty boys than to Kircher if the project falls through.

I shall probably see Mr. L. on Wednesday ev[enin]g; but I doubt if I cd. get any more definite facts than those he got from the Interpreter. Yrs Sincerely

J.C. Hall

36. Hall to Satow

Yokohama

March 12/96

My Dear Sir Ernest,

Thanks for your notice preparing me for losing Hampden's services early in April. Of course it cannot be helped; and I shall get all the assistance I can from him in the meanwhile. Mr. Okoshi could not help me to a MS, or an early copy of the Yokohama Trade Return for the year, as that is compiled by the Okura Sho [Finance Ministry 大蔵省], but he gave me a summary under the chief headings of imports & exports, which is of considerable help as a preliminary basis for inquiries. I am certain that a gentle hint

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

from you to the Okura Sho that the Vol. [Volume] containing the Annual Trade Returns has twice before been issued in February wd. be of material assistance in hurrying them up now.

Lay has been asking me if there wd. be any use in his applying for the acting new post of Vice Consul at Tokyo; but I have advised him to write to you privately.

Gall's proof of the innateness of the altruistic instincts is now, I believe, accepted generally by biologists; tho' the phrenologists have almost made his name ridiculous by dwelling only on his errors. I confess I was rather disappointed by Droppers' paper.²⁵ There was precious little about economic theories of Old Japan in it. He ought to do what [William Elliot] Griffis [1843-1928] did – get his students to write essays (in English) on Jap. topics, & then distil the essence of the information so acquired into a paper for the Asiatic [Society of Japan].

Yours Sincereley

J.C. Hall

37. Arthur Hyde Lay to Satow

H.M. Consulate,
Yokohama.

March 13. 1896.

Dear Sir Ernest,

I learn that [Alfred Ernest] Wileman comes down to the Court in April to take [Henry Alfred Constant] Bonar's place [as Acting Registrar to the Court for Japan], and that consequently the post of Acting Assistant Japanese Secretary [in the Tokyo legation] will then become vacant.

As I am fond of Japanese work and have always worked very hard at the language, I venture to enquire whether there is any chance of my being offered the acting billet. It is now about seven years since I passed the Interpreter's examination; and with the exception of [Arthur Morrison] Chalmers²⁶, no assistant of my rank has as yet attained the required standard of Japanese.

I shall be much obliged if you will be so good as to take the matter into consideration.

I am,

²⁵ Satow presided at a general meeting of the Asiatic Society on March 11, 1896. (Satow's diary) Garrett Droppers (1860-1927) was an American professor of economics at Keiō University, in Japan 1889-98.

²⁶ Chalmers, Arthur Morrison, C.M.G. 1917. Born 1 May 1862; entered Japan Consular Service 1882. Consul at Shimonoseki, 1903; Tamsui, 1904; Nagasaki, 1909. Consul-General for Corea, 1912-14; at Yokohama 1914-20. Retired on a pension, 1920. Address: 28 Morpeth Mansions, S.W.1. Died 20 Nov. 1949. (From *Who Was Who*, 1941-1960. See also F.O. List 1951.)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Dear Sir Ernest,
Yours truly
Arthur Hyde Lay

38. Hall to Satow

Yokohama

27.3.'96

My Dear Sir Ernest,

The enclosed to hand from Layard this morning. I am attending to all his commissions, imprimis the Office Writer.

Hampden has worked famously at the Trade Returns and will have finished them by the end of the month. I am extremely obliged to you for his assistance.

Dr. [Neil Gordon] Munro tells me that there is a scheme on foot for pulling down the old General Hospital here and putting up a new one, at the expense of (nominally) Dr. Meere, the present lessee, but really at the expense of the French Govt.; which already makes large use of the hospital as it is for its invalids from Saigon. Of course, the scheme wd. have to be referred to a public meeting, but it seems the members of the existing Hospital Com'ee [Committee] are favourable to it; & Dr. Munro himself is said to have a subordinate interest in the arrangement. The French have no Naval Hospital here, as we and the Germans have, and this is evidently how they propose making up for the want. A part of the New Hospital [is] to be set apart, as at present, for charity & other patients of the community. I am going to sound the Com'ee, and will report how matters go.

Yours Sincerely
J.C. Hall

39. Hall to Satow

Yokohama

30.3.'96

My Dear Sir Ernest,

I think there will be no further trouble in regard to Anderson's estate, as the Executor has put it now entirely in Litchfield's ²⁷ hands. However I will call Litchfield's attention to the point you mention. He told me that he suspected the real cause of Miss

²⁷ Litchfield, Henry C., is an LL.B. of Cambridge. Was called to the Bar at the Inner Temple, November 1867. Was appointed Crown Prosecutor at Tokio, July 23, 1885. At Yokohama, List of 1889 [Till List of 1900]. (F.O. List, 1906)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Anderson's application to the F.O. to be that the mother – one of the legatees – has lately died, and that the others are at loggerheads over the division of her share. No money has yet been paid under the will.

Enclosed telegram from Earl Spencer.²⁸ One of his letters was directed “British Legation Yokohama”. Perhaps he may wish any that may be for him at the Legation to be sent on also.

I have taken rooms for my family at the Kamakura Kaihin In²⁹ during Easter week; but that will not interfere with my attendance here in office hours.

Yours Sincerely

J.C. Hall

40. Hall to Satow

Yokohama

31.3.'96

My Dear Sir Ernest,

Thanks for your note, offering me [John Baptist] Rentiers' services when he returns on 4th May. I shall be very glad to have him; as it wd. be a strain to attempt the work at this Consulate with only one assistant; and though Lay is a very willing man, his health is not of the strongest.

I return the telegram you enclosed by mistake. Kindly instruct me if I can do anything in connection with Earl Spencer's arrival at Yokohama.

Rickett has heard that the Japse. are thinking of establishing quarantine against Hongkong, and wd. like to have an early hint in case they do; so that he might direct the movements of the Strs. [Steamers] from Hongkong accordingly. By not touching at Nagasaki and/or Kobe they might remain at sea long enough to overpass the period that

²⁸ John Poyntz, 5th Earl of Spencer (1835-1910). Liberal peer; First Lord of the Admiralty 1892-95. Satow wrote two letters to Thomas Blake Glover in advance of Spencer's visit. According to Satow's letter to Glover dated Tokio, 23 February 1896, Lord Spencer was due to arrive in Nagasaki on March 22nd by C.P.R. steamer and Satow had spoken to Itō Hirobumi who had said “they would gladly show him everything, including Sasebo and Kure.” In fact the steamer was a day late so that Spencer had no time to see Sasebo (J.J. Quin to Satow, 21 March 1896, No. 12, PRO 30/33 5/10) and he only saw the new naval dockyard at Kure before going on to Kobe in H.M.S. Edgar on March 25th and reaching Tokyo on March 29th. Spencer wrote to Glover from Miyanoshita on April 8th thanking him for his kindness and for notes of the dimensions of the Sasebo facilities. Earl and Lady Spencer left Tokyo on April 17, 1896. (Satow's diary, Ruxton, 2003, p.82)

²⁹ The Kamakura Kaihin In [鎌倉海浜院] Hotel was rebuilt in about 1896 under the direction of Josiah Conder (1852-1920). A very spacious half-timbered building in large grounds, it was used by many foreigners and had facilities for tennis, swimming etc. Just after World War II it was occupied by the U.S. Army and unfortunately burnt down at that time. (With thanks to Mr. Shōzō Nagaoka, a resident of Kamakura who wrote about the hotel in *Kanagawa Fudōki*.)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

may be allowed for incubation of the plague.

Mowat's Shanghai advices state that Hannen ³⁰ is soon to have a County Court Judgeship; that the Chf. [Chief] Judgeship & Consul Gtship [Generalship] are again to be separated; and that Jamieson ³¹ goes home next month on leave, his wife's health being so bad that he must accompany her.

Yours Sincerely

J.C. Hall

41. Hall to Satow

Yokohama

2.4.'96

My Dear Sir Ernest,

In case you should require to communicate with me on any matter of urgency in the short Easter holidays will you kindly wire or address letter to me at Kaihin In, Kamakura. Everything will be normal here again from Tuesday morning.

With regard to the case of plague wh. I report herewith, it seems queer that the case shd. have escaped the notice of the ship's doctor for 5 or 6 days; but the Chinese often do conceal such things in their ignorant dread of the foreign devils' treatment.

Yours Sincerely

J.C. Hall

³⁰ Hannen, Sir Nicholas John, appointed Acting Deputy Judge at Yokohama, January 10, 1871, proceeded to Yokohama, February 12, 1871 and continued in charge till May 7, 1874. Appointed Crown Advocate at Shanghai, October 30, 1878; and Judge of Her Majesty's Court for Japan, December 21, 1881. Was Acting Chief Justice at Shanghai from November 1, 1881 to January 21, 1883. Was one of the British delegates to the Conference at Tokio for the Revision of the Treaties from December 1886 to July 1887. Was appointed Chief Justice of the Supreme Court for China and Japan, and Consul-General at Shanghai, April 1, 1891. Was knighted by the Queen [Victoria], July 18, 1895. Received the Jubilee Medal, 1897. Died April 26, 1900. [from F.O. List, 1901]

³¹ George Jamieson, C.M.G., born 1843. Appointed Student Interpreter in China, August 30, 1864. Held various posts in the China Service. Acting Chief Justice of the Supreme Court for China and Japan, and Consul-General from November 17, 1884 to February 14, 1896. Made a C.M.G., June 1897. Promoted to be Consul-General and Registrar of British Shipping at Shanghai, and also Commercial Attaché for China, November 13, 1897. Retired on a pension April 26, 1899. Died in London, December 30, 1920. [from F.O. List, 1921] He was also a Director of the British and Chinese Corporation, Chinese Central Railways and Yangtse Valley Company, after leaving the China Service (*Who Was Who*, 1916-1928). Jamieson is mentioned many times in Satow's Peking diaries 1900-06 (Ruxton, 2006).

42. Hall to Satow

Kaihin In, Kamakura

5 April, 1896

My Dear Sir Ernest,

Thanks for your note of yesterday about the telephone. I will lose no time now in applying officially for sanction of the expenditure.

Now that you call my attention to it, there is, I confess, an ambiguity about the phrase Easter holidays; in that for scholars it means an uncertain period averaging about a week, whilst for business people it means in strictness only the two legal holidays of Good Friday & Easter Monday – sometimes, also with the intervening half Saturday thrown in. It was of course only in the latter sense that I used it in speaking of myself; in the former, in speaking of the family. During Easter week I intend returning to Kamakura by the 6 p.m. train, getting in before 10 in the mornings to office.

We are very fortunate for so far in the weather; and the difference in the feel of the air between here and Yokohama is simply surprising.

Yours Sincerely

J.C. Hall

43. Hall to Satow

Yokohama

7 April/96

My Dear Sir Ernest

I must confess I shared the popular error as to Good Friday being a legal holiday. If I had known better I shd. not have gone to Kamakura, and so should have escaped a slight ophthalmic attack caused by the glare of the sea.

I will make enquiries at once about Truk [Chuuk island group, Micronesia] and let you know all I can glean here on the subject. ³²

Yours Sincerely

J.C. Hall

³² In Satow's diary for April 2, 1896 there is a clue as to why he was asking about Truk: "Murder of a Japse. at Truk in the Caroline island group [Micronesia] is quite true. They are going to address the Spanish Govt. on the subject." (Ruxton, 2003, p. 79)

Truk was a Spanish colony at the time.

44. Hall to Satow

Yokohama

8.4.96

My Dear Sir Ernest,

For so far all the information I can get about Truk is that a few schooners owned by Tokyo men trade there from Shinagawa exporting cotton piece goods and liquors and bringing back copra [dried coconut].

I shall be confined to the house for a few days with an inflamed eye; but that will not interfere much with the carrying [on?] of the current work.

Yours Sincerely

J.C. Hall

45. Hall to Satow

Yokohama

11.4.'96

My Dear Sir Ernest,

I accepted the Sannomiyas' invitation ³³ for Monday, but Wheeler ³⁴ forbids my going. I have therefore asked our hosts' permission for my daughter to go in my stead.

Mowat happened to be sitting with me when your telegram came. He is surprised at not having been invited; especially as he and Mrs. M. had been calling on the Sannomiyas just a day or two before.

I am in hopes to get fuller information about Truk from Captn. Harrison of the schooner "Esmerelda"; who is shortly expected from Hongkong.

Yours Sincerely

J.C. Hall

³³ A lunch was given by the Sannomiyas, presumably in honour of the Spencers, at the Hama Rikyū ["Hama detached palace"] by the Sannomiyas on April 13, 1896 (Satow's diary). On Baron Sannomiya Yoshitane (1844-1905) and his English-born wife Alethea Yayeno Sannomiya (1846-1919) see Noboru Koyama, 'Three Meiji Marriages between Japanese Men and English Women', Ch. 33, *Britain and Japan: Biographical Portraits*, Volume IV, 2002, pp. 383-96.

³⁴ Edwin Wheeler (1840-1923) was a British naval surgeon who came to Japan in 1870 and was for a long time director of the Yokohama General Hospital.

46. Hall to Satow

Yokohama

12.4.'96

I hear that Earl Spencer takes an interest in the fur-seal question. ³⁵ If so, it wd. be worth his while to have a talk with a Mr. Cox, now in Yokohama. He is owner of a number of the sealing schooners from British Columbia, and is thoroughly well-informed on all aspects of the Pelagic Sealing question. Kindly let me know if an interview is desired; with – if possible – details as to time & place.

Yours Sincerely

J.C. Hall

47. Hall to Satow

Yokohama

20.4.'96

Best thanks for your last kind note, which I am now able to answer from the office. I am now quite recovered, after just a fortnight's confinement to the house.

The Layards' baby has caught a bad type of influenza which has delayed her departure with the nurse for Tamsui. There is no immediate danger, but Wheeler fears that the illness will be lingering.

I expect to send you an official to-morrow enquiring about protection of patents. Robison & Co. here are agents for a French firm who have patented in Europe an important invention in silk-reeling; and if it be true that Germany has secured for the nonce the same protection for industrial property as Japanese themselves enjoy, Bent[?] thinks that under the favoured nation clause he might claim the same privilege. But probably the Japse. will object that the French Treaty has not yet been concluded. He says the French Minister has already spoken to the Japse. on the subject.

Mr. Hartland ³⁶, H.J. Hunt's brother-in-law, has got some information and views on the Kobe Hill lots question which he wd. like to submit to you if you cd. spare him a short interview for the purpose. ³⁷

³⁵ In 1886-89 the U.S. claimed the Bering Sea had become 'mare clausum', and seized some vessels found sealing, most of them Canadian vessels manned by British subjects. In 1893 a Paris tribunal held that the Bering Sea was part of the high seas, and assessed damages against the U.S. for the seizures at about \$470,000. Restrictions were placed on sealing in the summer and around the Pribiloff Islands.

See also G.E.H. Barrett-Hamilton to G.A. Lowther, Yokohama, 24 Sept. 1897 (letter no. 28, PRO 30/33 5/5) and Lowther's reply, pp. 189-91, in I. Ruxton (ed.) *The Correspondence of Sir Ernest Satow while he was British Minister in Japan*, Volume One, Lulu.com, 2005.

³⁶ J. C. Hartland, assistant manager of Hunt Trading Co. of Yokohama, a tea trading company.

³⁷ "Hartland came abt. Kōbe Hill Lots. Showed him dft. [draft] lease and my letter to [Rev. H.J.]

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Yours Sincerely

J.C. Hall

48. Hall to Satow

Yokohama

21.4.'96

I have written to Mr. Bent in the sense of your note re the French patent, so as to save him useless trouble.

Mr. Hartland proposes to wait on you to-morrow forenoon re his Hill-lot lease.

My German Colleague sent me an official letter to-day in German. I think this is the first time that has been tried on. I have officially asked him to be so good as to furnish me with an English translation; and hope you will support me if he tries to make a fuss.

Yours Sincerely

J.C. Hall

Satow's answer (written in note form on the letter):

22/4/96

My Dr. H.

I am afraid that I cannot support you abt. insisting that yr. Germ. Coll. shld. write to you in Engl. If a foreigner addresses a Br. consul in Engl. instead of his (the foreigner's) own language it is as a matter of convenience or courtesy. No more cld. the Germ. Consul-genl. claim to be addressed by his colls: in German.

The general rule I take it is that international correspce. between consuls is carried on either (1) in French; or (2) in the language of the country or (3) by their writing respectively in their own language.

y.v.t. [Yours Very Truly]

49. Satow to Hall

Yokohama

22 April 1896

My Dear Sir Ernest,

I must of course defer to your ruling in the matter of language for official correspondence; though I think we shd. be justified in asking Dr. Schmidt-Leda to continue the established practice of over 30 years or else to write in French, as the

Foss [of Kōbe], with both of wch. he expressed his satisfaction. Afterwds. he wrote to express his doubt whether omission of heirs wld. not convert the lease, acc. to Engl. law, into a grant for life only." (Satow's diary, April 22, 1896; Ruxton, 2003, p. 83)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Russian Consul does.

It wd. be surely less trouble than the course he has followed of sending round his Secretary, Mr. Putz, to translate his despatch verbally, for me to write down, if I wish. With your permission I shall ask him in future to write in French, if it be not convenient for him to follow the course hitherto followed by his predecessors.

A Mr. Shenstone called today to enquire if I had heard anything about an invitation for himself & wife for the garden-party to-morrow.³⁸ Of course I told him I had not, and asked him if he had called on you; which he admitted he had not.

Yours Sincerely

J.C. Hall

50. Hall to Satow

Yokohama

May 5, 1896.

My Dear Sir Ernest,

There are a dozen more claims for refund of "Customs Duties paid in excess" which I purpose forwarding to you to-morrow en masse under one covering despatch.

In a letter to hand fr. Troup arr. yesterday he tells me he is due here by the Canadian Mail Str. of October; a piece of news which was very welcome to me, as I was heretofore expecting him at the end of August. By October the hot season at Tamsui will be well over.

I have selected a good man for Japse. writer at the Tamsui Consulate; but he will only accept on condition that travelling expenses to his post will be defrayed by us. I fancy any other fit man would make the same stipulation, and I purpose applying officially to you for sanction for his passage money unless you advise me to the contrary. I don't know what [Joseph Henry] Longford did in the matter; but I think his writer travelled along with him.

Yours Sincerely

J.C. Hall

³⁸ Satow attended the Imperial garden-party at the Hama-Rikyū on April 23, 1896. (Diary, Ruxton, 2003, p. 84) There is no mention of Shenstone in the entry.

51. Hall to Satow

Yokohama

May 6, 1896

My Dear Sir Ernest,

Best thanks for your kind note of to-day. Kobe is the only port at which I have not yet been in charge; and for many reasons I shall be glad to have a spell there before going further South [to Taiwan].

On the receipt of your telephone message this morning I at once sent off a note to Captn. Henderson enquiring his latest advices about the Admiral's [Admiral Buller's] movements; but have not yet had a reply. Last night, however, at the Rickett's [Ricketts'] farewell function, he told me the Admiral & Mrs. Buller were due at Kobe in the "Alacrity" to-morrow, the 7th; the Admiral he thought intends landing there and going up to Kioto, coming to Yokohama overland. The "Alacrity" comes on and is due here on the 11th; and Captn. H. thinks Mrs. Buller will come on in her; but on this point he was not sure. It seems to be the accepted opinion of the naval men here that the squadron will not come to Yokohama till after they return from Hakodate in the autumn; the idea being that they will go up the west [Japan Sea] side of Japan this time, instead of the East as usual.

Yours Sincerely

J.C. Hall

52. Hall to Satow

Yokohama

May 8 /96

My Dear Sir Ernest,

Mr. French, whose card I enclose, begs the favour of an appointment to see you any day next week at your convenience. I did not hold out much hope to him of success of his application; but he is sanguine [confident, optimistic] and somewhat "pushful".

Yours Sincerely

J.C. Hall

53. Hall to Satow

Yokohama

9.5.'96

My Dear Sir Ernest,

Application for a passport was made to me by a person styling himself Count

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

D'Oryeszko, on the ground that he is in course of becoming a British Subject by naturalization, having resided in London for two out of the 8 years required, he says, for that purpose. He has letters of credit from a London Bank; but no letters of introduction or other papers. I of course refused; whereupon he expressed his intention of applying to you. He says he was born in France; and won't go to see the Russian Consul. At his request I promised to mention his case to you.

Yours Sincerely

J.C. Hall

P.S. I enclose Mr. French's card, which I must apologise for omitting to enclose yesterday.

54. Hall to Satow

Yokohama

11.5.'96

My Dear Sir Ernest,

Mr. French wants to bring the advantages of his Insurce. Co. to the knowledge & notice of members of the various Foreign Legations in Tokio, and hopes that he will be able to get some advice from the British Legation that may assist him in making approaches.

I should like to go up and hear your speech at the Jenner Commemoration ³⁹ if I could only be sure of not having to wait till the end of the long programme.

Yours Sincerely

J.C. Hall

55. Hall to Satow

Yokohama

15.5.'96

My Dear Sir Ernest,

I enclose the only "title-deeds" (copies) in our archives for the Consulate lot and Gaol lot. Neither lends any support to the idea that we could sell the land.

Kindly return these two documents when you have done with them. The two previous leases referred to in the Gaol agreement once were – but are not now – in our archives.

Yours Sincerely

³⁹ On May 14, 1896 Satow made a speech "concocted by old Morozumi and self" on the centenary of the discovery of vaccination by Edward Jenner. (Satow's diary). The speech in Japanese is in S. Nagaoka, *A-nesuto Satō Kōshi Nikki*, Volume One, p. 322.

J.C. Hall

56. Hall to Satow

May 19. 1896

My Dear Sir Ernest

I have applied to the Kencho [prefectural office 県庁] for a sight of and copies of the two original leases of the Gaol lot, and will send you the copies as soon as procured. A search has been going on for them all day in the Kencho go-downs [warehouses, storehouses]; so far ineffectual.

The enclosed from the Captain of the "Alacrity" will explain delay in Admiral's reply to your telephoneme (if that coinage is permissible). The Japse. seem to be very touchy just now; as you will see from the enclosed, which kindly return. The facts are that it being Spring tides the water in the creek was too low to allow of the party embarking from there, and that though permission had been asked & given for 100 men from the "Edgar" the party consisted of under 70 men a minority of whom were from the "Swift". Had it not been for your message to-day about the "Centurion" I shd. have thought that in the "Edgar's" case advantage was being taken of the Governor's absence at Tokyo by one of the subs. here to show off a bit.

Mowat tells me that the doctors at Kobe have no hope of Enslie's recovery, thinking it a question of a few weeks at most. He, poor fellow, has no notion that his case is so perilous. ⁴⁰

Yours Sincerely

J.C. Hall

57. Lisle to Hall

H.M.S. Alacrity

Tuesday 19th

Dear Mr. Hall

The Admiral has gone to Mianoshita [Miyanoshta]. I have telegraphed your news to him. I fancy things will probably explain themselves on Centurion's arrival tomorrow.

Yrs truly

J.G.W. Lisle [Sisle?]

⁴⁰ See Consul James Joseph Enslie's last letter to Satow from Kobe in PRO 30/33 5/8 (Volume One of this series) dated May 21, 1896 which ends: "I am not making much headway just now, but absolute freedom from all anxiety in official business will, the Doctors say, have a very excellent effect." Unfortunately Enslie died on June 14, 1896.

58. Hall to Satow

May 26/96

My Dear Sir Ernest

The Kencho people here assure me that after careful search they are unable to find the original leases of the Gaol lot & buildings. It seems the archives go-down was twice on fire & many records destroyed thereby. I'll leave your cards at the Mexn. Legation this evening.

Yours Sincerely

J.C. Hall

59. Hall to Satow

Yokohama

22.6.96

My Dear Sir Ernest

[John H.] Gubbins tells me you wish to know what passed between Quin and myself about the Kobe Consulship. The conversation on the subject was short. He was somewhat inconsistent; at one time showing great eagerness about it, and a few minutes after declaring that he was ready cheerfully to retire on his pension if the F.O. wd. allow him. I told him I was going to send in an application for the post; and that I shrewdly surmised Longford wd. likewise endeavour to get the appointment. He said that so far as he was concerned he did not mind my doing so in the least; that he had not applied formally for it himself because you had promised it to him, and that he was certain to get it if he was well enough to take it up.

He was looking much worse than when he was here a short time ago. I shall be sorry for his sake as well as my own if he returns to Japan. ⁴¹

Yours Sincerely

J.C. Hall

60. Hall to Satow

Yokohama

June 24, 1896

My Dear Sir Ernest

Many thanks for your note re the Kobe Consulship. I think you have acted impartially

⁴¹ John James Quin had been appointed a Student Interpreter in Japan on August 3, 1867. Consul at Nagasaki since October 1, 1888. He retired on a pension on November 11, 1896 and died at Kingstown, Ireland on February 2, 1897 (F.O. List, 1898). See his letters to Satow from Nagasaki in PRO 30/33 5/10 (Volume One of this series).

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

in the matter, and I shall not fret if the F.O. reject my application. I should certainly not have made it had Quin been a barrister; but as he is not, I thought the opportunity was one that I ought not to let slip, seeing that Consular Jurisdiction has still at least three full years to run. ⁴²

I note your instructions about Mr. Barrett Hamilton and you may rely on my carrying them out.

Yours Sincerely

J.C. Hall

61. Hall to Satow

Yokohama

July 9, 1896

My Dear Sir Ernest,

Since and inclusive of 1890 to date, 54 marriages have been celebrated at Christchurch, Yokohama, of which only 7 have likewise been celebrated at this Consulate; making a total 47 merely Church marriages.

In the same period 23 marriages were celebrated at the Consulate, of which the same 7 were also celebrated at the Church.

It looks as if the civil marriage was becoming unfashionable.

Yours Sincerely

J.C. Hall

62. Hall to Satow

Yokohama

11.7.'96

My Dear Sir Ernest

Your boat and all appurtenances are finished. She is a regular beauty. The carpenter tried her in the creek this morning, he says, and found her light and steady. You can send for her, he says, at any time. ⁴³

I am glad to hear that the Reg. Genl. is discouraging merely Church marriages.

⁴² Extraterritoriality (consular jurisdiction) ended on July 17, 1899 as agreed by a Treaty of Commerce and Navigation between Britain and Japan signed in London on July 16, 1894. (See I. Ruxton, 'The Ending of Extraterritoriality in Japan', in Bert Edstrom (ed.), *Turning Points in Japanese History*, Japan Library, 2002, pp. 84-101).

⁴³ This boat seems to have been intended for sailing and rowing at Lake Chūzenji. Satow decided on a place for the boathouse with Josiah Conder on May 30, 1896 (PRO 30/33 17/16; Ruxton, 2003, p. 451) and on July 31st Satow noted after arrival at the lake: "The boat has arrived: it is of enormous width."

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Abroad, the civil ceremony ought to be compulsory.

I hope your holiday at Chiuzenji will be undisturbed & that you will enjoy it. If you want Mr. Christie ⁴⁴ to receive a note from you in arrival the best way is to address it:-

Agent please forward on arrival

W.H. Christie Esquire

Passenger per S.S. "Empress" [Empress of China]

c/o The Commander

and if you wish me to go to meet him I shall be most happy to do so.

Yours Sincerely

J.C. Hall

63. Hall to Satow

Yokohama

21.7.'96

My Dear Sir Ernest,

It was entirely owing to the blunder of [the French Consul] M. Perret [Penner?] that our Ships did not dress & salute on the 14th. No request or intimation of any kind was made to our Senior naval officer; who, seeing the American ships dressed, went on board the "Olympia" and asked if they had received an official intimation. He was informed in reply that the regular official procedure had not been followed. My American colleague informs me that on two previous occasions in recent years an official request was made thro' him to the Amern. Senior naval officer to salute &c. but that on this occasion no official request of the kind was made.

Of course a request in some form or other must have been made by the French Consul to the Amern. Adml. Had it been made in the proper way – i.e. officially thro' the Amern. Consul Genl., as on previous occasions, the Amern. Adml. Wd. have been requested to inform the men-of-war of other flags in harbour & there wd. have been no hitch.

Yours Sincerely

J.C. Hall

P.S. I don't think M. Perret's blunder was intentional.

⁴⁴ William H. Christie (1845-1921), Astronomer Royal at Greenwich 1891-1910, came to Japan to observe an eclipse in Hokkaidō. Satow met him on July 27, 1896 and he sailed with his son in the H.M.S. *Linnet* on July 29th for Akkeshi, Hokkaidō. They left Japan in the S.S. *Empress of China* on August 22nd. (Satow's diary)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

64. Hall to Satow

Yokohama

23.7.'96

My Dear Sir Ernest,

The paragraph about the violence of the Seaman of the "Humber" is made out of whole cloth. The only incident at all resembling what is stated occurred in the beginning of June last; when a seaman of the "Edgar" who was being taken on board gave the Japse. interpr. [interpreter] a slap on the face before jumping on the gangway. The Edgar's officer who saw the occurrence wanted the Interpreter to lay a charge of assault before me & have the fellow punished; but the Interpreter declined to take that trouble, as the slap had not hurt him.

I am endeavouring to find out Dr. Westcott's whereabouts, & will write to him when found, as you desire.

I have deputed Rentiers to go in my place on board the Empress of China shd. she arrive on Sunday to meet the Astronomer Royal, as I hope to have Sunday free to spend with my family at Tomioka [in Gunma prefecture], where we have taken a little bathing lodge for the Summer. I hope to start for Kusatsu myself on the 1st or 2nd prox.; but am purposely leaving the date indefinite in my official application, so as to allow for any possible delays.

Will you kindly make Lay's acting appointment to run from the day I hand over charge to him, that wd. answer all eventualities.

The weather here today is broiling.

The Linnet leaves for the North on Monday afternoon. I have not heard whether she is to take up Mr. Christie, who I see has his son with him. They will find it hot going up overland.

Yours Sincerely

J.C. Hall

65. Lay to Satow

Yokohama.

August 20. 1896.

Dear Sir Ernest,

I have interviewed the German and American Consuls and the officer in charge of the French Consulate on the subject of "water" lots. The general opinion seems to be that such lots ought to have sea frontage. I am sending up my reply to your despatch today.

With regard to mail communication with Formosa I am making enquiries and will

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answer tomorrow. I am told that Messrs. Flint, Kilby and Co. send their letters to Hongkong or Shanghai by first mail steamer and trust to catching a boat at one of these places.

I have received a letter from the Master of the S.S. "China" with reference to the sinking of a steam launch on the 17th outside this harbour. It seems that at 4 a.m., as the ship was preparing to leave her anchorage, where she was awaiting daylight, for the inner harbour, two steam launches were made fast astern. They were ordered to let go, and finally did so at 4.30, but somehow managed to collide and get under the ship's stern. One launch capsized and the other was damaged. A ship's boat was lowered and the "China" remained about the place of the accident for some time. No lives were lost.

I hope to be able to send up a report on the assault on Barrie tomorrow. ⁴⁵

Yours sincerely

Arthur Hyde Lay

66. Hall to Satow

Yamamoto Hotel

Kusatsu

August 21st 1896

My Dear Sir Ernest,

I received your note of the 18th yesterday; and this morning, from Lay, copy of the F.O. despatch, demurring [i.e. not agreeing] to the telephone charges.

I assure you that the suggested reduction of a messenger wd. be highly inconvenient. The Consulate has really only two messengers; the third being for the Court; which has no native staff; and the introduction of the telephone has done very little to diminish [sic. diminish?] the messengers' work.

I gratefully appreciate your offer to provide a place for a man if dismissed; but I am in hopes that the compromise I have suggested in the enclosed memo. will be deemed satisfactory, both by yourself and by the F.O. I am sending a copy of it to Lay.

I am getting on very well with the baths, taking 4 a day at 118°; and hope to get through the full course within the limits of my leave. It will be a close shave however. From what the Dr. here tells me I shan't have a day to spare.

⁴⁵ British engineer William Barrie of Nippon Yu Sen Kaisha was attacked by stokers on August 6th in Yamate, Yokohama. The stokers feared they would be replaced by Chinese for a trip to Europe. On 25 September in the Yokohama district court prison sentences from 5 days to 3 months were handed out. Later allegations of torture of the perpetrators were proved groundless. (Nagaoka, vol. 1, p. 171)

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Dr. Florenz ⁴⁶ was here for the course, but left a few days after I arrived, much to my regret. Captn. [Balthazar] & Miss Münter ⁴⁷ paid a flying visit of one day & then left for Ikaō. Sr. Chiossone ⁴⁸ is now here, and sometimes I have a chat with him. There are 5 or 6 other foreigners here, but not companionable; one of them an American man-of-war's [warship's] man who takes his bath with the native crowd in the hottest bath – the Netsu-no-Yu.

On dit [Fr: It is said] that Dr. Baelz ⁴⁹ has just purchased a fine lot of land here – over 6,000 tsuboes ⁵⁰, but without hot water privilege.

Yours Sincerely

J.C. Hall

Memo.

With respect to Mr. Bertie's suggestion that in order to compensate for the increased contingencies allowance consequent on the introduction of the telephone into the Yokohama Consulate, a reduction might be made in the staff of native servants by dispensing with one of the three messengers at present employed, I would respectfully observe as follows:

1. The staff of three messengers is barely sufficient for the requirements of the two Establishments – the Court for Japan and the Consulate; and could not at present be reduced without the most serious inconvenience to both.

2. Experience so far has shown that the introduction of the telephone into the Consulate has not appreciably diminished the work of the messengers; the chief advantage of the telephone being the facility it affords for prompt communication with H.M. Legation at Tokyo.

3. Experience has also shown, however, that the frequency of these communications

⁴⁶ Dr. Karl Adolf Florenz (1865-1939). German, invited to Japan in 1888. Taught German, Literature and Linguistics at the Imperial University's Department of Literature.

⁴⁷ Captain Balthazar Münter was the Danish representative in Japan of Armstrong & Co. In Japan 1886-98.

⁴⁸ Edoardo Chiossone (1832-98) was an Italian in Japan 1875-98. He had been invited by the Japanese government to design bonds, notes, postage stamps etc. He also painted portraits of well-known people, e.g. the engraving of Fukuzawa Yukichi on the present ¥10,000 note. Chiossone died in Tokyo.

⁴⁹ Erwin von Bälz (1849-1913). German physician resident in Japan 1876-1905. Physician-in-waiting to the imperial household and professor at Tokyo University Medical School. His diary *Das Leben eines deutschen Arztes im erwachenden Japan* (1931; translated into English as *Awakening Japan: The Diary of a German doctor*, 1932) is insightful. He was also medical officer to the British Legation from 1882 to 1905, and attended to the British minister Hugh Fraser before he died in 1894.

⁵⁰ One *tsubo* is approximately 3.3 square metres in area.

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will probably not amount to the average at first estimated, vizt. one a day, and that the estimated charge may therefore be somewhat reduced.

4. An addition of \$60 per annum (instead of \$87.80) to the fixed annual allowance for Contingencies of the Yokohama Consulate would seem to be the most economical and satisfactory mode of meeting the requirements of the situation.

J.C.H.

Kusatsu
21.8.'96

67. Lay to Satow

Yokohama
August 21. 1896.
Dear Sir Ernest,

I enclose reports on the assaults committed on board the S.S. "Saikio" Maru and "Kobe" Maru. I got the information from a British employé in the [Nippon] Yusen Kaisha. He told me that the Company were at present considering the question of raising the pay on their steamers, as they fancied the discontent might to some extent be attributable to low wages.

The American Consul General wrote me a note today on the subject of "water" lots. After thinking the matter well over, he had come to the conclusion that owners of bund lots, the areas of which were specified, could not claim, from the insertion of the word "water" in their leases, the right to sea frontage. He thought that all they could ask for was the exact number of tsubo mentioned.

I am replying to your despatch about communication with Formosa today.

Yours sincerely
Arthur Hyde Lay

68. Hall to Satow

Tomioka
Sept 10. 1896
[Note in Satow's hand: "Recd. this noon."]
My Dear Sir Ernest,

Thanks for your note of the 8th inst., just to hand. I had a letter from Troup by the last "Empress"; and intend to proceed to Kobe by the same "Empress" which brings him on the 26th proxo.

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(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

I am glad to learn from your letter Marshall's ⁵¹ views about the Kobe Consulate building. It is really too old to be worth serious repairs or additions. I sincerely hope you will succeed in getting the O.W. to build a Consulate worthy of the place. I am told that there are very few commodious houses in Kobe; and I shall be agreeably surprised if the rent-allowance covers my actual expenses on that score. I set enquiries afoot over a month ago, and have not yet heard of a single eligible house.

I have suggested to Marshall that the up-stairs part of the Kobe building might do for an Assistant's quarters; but the whole of the ground floor part will be none too large for office accommodation; as it would not be fair to the Vice-Consul to squeeze him into the same room with the assistants.

This Cabinet dead-lock seems interminable. I trust that the enigma will be solved in time to allow of your having another spell of coolness and rest in the hills.

Yours Sincerely

J.C. Hall

69. Hall to Satow

Yokohama

Sept. 22/96

My Dear Sir Ernest,

Thanks for your kind invitation to lunch of which I shall be much pleased to avail myself unless some other day would suit you better. I shall go up on Friday next the 25th inst. I shall make good use of the interval in enquiring about the Paisley Cotton Trade Marks.

I have just seen the Hannens and [H.S.] Wilkinson. ⁵² I am glad you had nice

⁵¹ F.J. Marshall was the Shanghai representative of the Office of Works, a separate government department to the Foreign Office. Satow wrote to him on December 11, 1895 and Marshall replied from Shanghai on January 16, 1896 including the following sentence: "At Kobe I do not think there is a chance of another residence being built for the Consul when the present one is taken down – the tendency is to have as few Govt. buildings as possible in Japan." (PRO 30/33 5/3, see Volume One of this series.)

⁵² Wilkinson, Hiram Shaw (1840-1926). B.A. and LL.D. of Queen's University, Ireland. Appointed Student Interpreter in Japan, August 22, 1864. [At Edo, List of 1865.1] Called to the Bar at the Middle Temple, January 26, 1872. Acting Vice-Consul at Hiogo and Osaka in 1872. Acting Consul at Kanagawa in 1873, 1875, 1876, 1878 and 1879. Promoted to be H.M. Vice-Consul at Niigata, April 1, 1877. Acting Assistant Judge at Shanghai, April 1879 to October 1880. Appointed Crown Advocate at Shanghai, December 21, 1881. Was British Commissioner for settlement of claims arising from the Canton Riots of 1883. Acted as Chief Justice on various occasions. Was Acting Judge of H.M. Court for Japan from April 1, 1894 to May 31, 1895; and from June 18 to November 10, 1897 when he was appointed Judge of H.M. Court for Japan [At Kanagawa, List of 1898]. Appointed Chief Justice of H.M. Supreme Court for China and Corea, May 26, 1900. Knighthood, 1903. Retired April 1, 1905. Deputy-Lieutenant and J.P. for County Londonderry, Pro-Chancellor of

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weather for making your return journey.

Lay is writing a very full report of the trial of Barrie's assailants. I hope to forward it to you to-morrow.

Yours sincerely

J.C. Hall

70. Hall to Satow

Yokohama

27.9.'96

My Dear Sir Ernest,

The Empress of China dropped anchor about 10 minutes to 2 this p.m. and I went on board a few minutes after to get at the great Li [Hung-chang, 1823-1901]. Japanese police were posted all over the ship.⁵³ Li ordered his yacht the "Kwang-Si" to be brought alongside the Empress, an operation which took over an hour. Consul Bourne of the Chinese Service hailed me as an old acquaintance, and introduced me to Lo Feng-luh the Interpreter, who presently asked me if I would like to have an interview with the Viceroy as he called him. Of course I embraced the offer and sent in my card. After a short wait in the saloon I was received by the great man in his cabin, and had an interview of over 20 minutes, answering questions most part of the time, at first. He made minute enquiries about you, about British trade, the revision of the treaties, and we had a long talk about missionaries.

He was very affable throughout, came out to the door of his cabin & shook hands warmly with me at parting and excused himself from returning my call as he is leaving to-morrow morning.

Shall I make a memo of the conversation & send it to you officially?

Yours Sincerely

J.C. Hall

Satow's reply:

Copy

3.10.96

My dear Hall,

the Queen's University of Belfast. Died at Tobermory, Co. Derry, September 27, 1896. (Abstracted from F.O. List, 1927. See also obituary in the London *Times*, September 29, 1926; and *Who Was Who*, 1916-1928.)

⁵³ Li's reluctance to go ashore in Japan and the heavy police presence may be explained by the attack he suffered at the hands of a right-wing Japanese extremist on March 24th during the negotiations leading to the Treaty of Shimonoseki of April 17, 1895.

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I am sending a copy of yr. desp. to the F.O. But I am afraid you have gone rather outside your attributes as Consul in Japan in suggesting to Li Hungchang an amendment to the Chinese Treaties. I say this quite apart fr. the merits of such a suggestion if it had been made by an unofficial person. That is a matter of policy with wch. none of us in Japan have any concern.

As to the employt. of missionaries, I think your estimate of 9/10 being mainly employed in giving secular instruction is excessive. I cannot say anything with regard to American & Nonconformist English missionaries, but as far as the Engl. Ch. missionaries of both [types?] are concerned the proportion is about 1/10 only. And nearly all, if not all, of this class residing in the interior are there on ordinary travelling passports, wch. since the signature of the new treaty are issued merely upon application without its being necessary to state any object. I found recently that our applications fr. the legation were still being sent in with a statement of object & length of time, & put a stop to it without the slightest objection on the part of the Japse. Auth. & I found that the German & American legations were already proceeding on the same lines.

If you could manage to send me any information abt. the alleged forgery of Paisley cotton trade marks in time for me to report by the C.P.R. mail wch. leaves on the morning of the 9th, it would be a great convenience.

y.v.t.

E.S.

71. Hall to Satow

private

Yokohama

3.10.96

My Dear Sir Ernest,

Thanks for your note of to-day. I am sorry to have overstepped proper official limits in my conversation with Li, and will be more careful in future.

As regards the proportion of missionaries engaged in teaching, my estimate was probably over the mark at the present day. It wd. have been more nearly correct two years ago, before the new passport arrangement came into operation. The English Church Missionaries do less teaching than the other bodies; but in the Hokkaidō during my stay there, the proportion even amongst them was about two thirds.

You may rely on my sending in the report on the Paisley complaint in good time. The information I have already got tends to show that it is not very well founded.

Yours Sincerely

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J.C. Hall

72. Hall to Satow

Yokohama

3.10.'96

My Dear Sir Ernest,

Kindly return me the enclosed correspce after perusal. It seems hardly worth while reporting it to you officially.

The Saibansho [裁判所 Yokohama district court] refuse to give us copies of the evidence in Barrie's case, as it is not their custom, they say. So they have sent only copy of the sentence, which I forward herewith.

Yours Sincerely

J.C. Hall

73. Hall to Satow

private

Yokohama

5.10.'96

My Dear Sir Ernest,

About the article in to-day's Japan Mail on "Alleged Torture in Japan", I may mention that three days ago, Mr. Clarence Martin told me that during his 8 years of service as Interpreter in the Saibansho, ending in 1/91, during all which time the new criminal codes were in operation, he heard hundreds of witnesses complain of having been tortured by the police. He repeated the statement "not in scores but in hundreds of instances", and he added that only in two cases, so far as he knew, were the police punished for having inflicted torture. This was in the course of private conversation at dinner; so I do not report it officially.

The Judge [for Japan, R.A. Mowat?] went down to Kobe yesterday, and is expected back on the 9th.

Yours Sincerely

J.C. Hall

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
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74. Hall to Satow

Yokohama

8 Octr. 96.

My Dear Sir Ernest,

You are quite right as to the mistake in my despatch re Barrie's case. I shd. have said a fifth instead of a quarter. Will you kindly leave the correction made in the text: I have made it in my draft.

I quite agree with you that the Ct. shd. have gone upon the time actually required for recovery and not on [Dr. Edwin] Wheeler's forecast of the probable time. But the fault of this miscarriage seems to me to attach more to the Kenji [検事 public prosecutor] than to the Court. The prosecution was disgracefully inefficient. Mr. Martin shd. have been called as a witness. It is his account of the affair wch. was given in Lay's despatch to you No. 36 of Augt. 24, and the police knew perfectly well that he was an important witness.

I hear on good authority that the N.Y.K. are so dissatisfied with the inadequacy of the sentences that they have written to the Minr. of Justice, asking to have a special law enacted for the maintenance of discipline amongst seamen, firemen &c.

Yours Sincerely

J.C. Hall

75. Hall to Satow

[Ansd. Better not bother me about this p[ri]vate] m[at]ter]. E.S.]

Yokohama

19.10.'96

My Dear Sir Ernest,

[Frank William W.] Playfair writes me [from Kobe] that he would be glad to have a three-weeks holiday from the 1st or 2nd Novr., i.e. four or five days after I relieve him; and he suggests that [Arthur Morrison] Chalmers might be allowed to continue as Acting Vice Consul until his (Playfair's) return to Kobe about the 22nd prox. [i.e. of next month]

So far as I am concerned, I am quite willing that he should have the holiday; and if you have no objection to leave Chalmers undisturbed as A.V.C. until Playfair's return, it wd. be a convenience to me, as I shall probably be occasionally absent from office during the first few days, paying official calls &c.

Yours Sincerely

J.C. Hall

76. Hall to Satow

Yokohama

20.10.'96

My Dear Sir Ernest,

I return my No. 50 duly amended, covering the necessary copy of Oppenheimer's letter.

As regards the distinction between Acting Consul and Consul Officiating I did not mean, when I mentioned it, to claim for it any higher authority than the tradition of the service. As you say, the F.O. list is not conclusive on the point. It is a private compilation; and to ascertain in each case whether a man held the substantive rank of Consul at any point while he was performing the duties of that office at another wd. involve too much time and labour; and so the generic term "Acting" is resorted to.

I must confess, however, that I know of no higher official authority for the distinction than "old custom"; and even for that, I was drawing, when I spoke, on the recollections of my Student Interpreter days.

Yours Sincerely

J.C. Hall

77. Hall to Satow

Yokohama

25.10.'96

My Dear Sir Ernest,

With reference to the Carew inquest ⁵⁴, the case strikes me as so serious that Counsel should, I think, be instructed at once to take it up. If you concur in this view, will you kindly instruct Mr. Litchfield to act, or authorise me to tell him to do so.

Yours Sincerely

J.C. Hall

⁵⁴ Walter R. H. Carew was secretary of the Yokohama United Club. He was poisoned by his wife Edith and died on 22 October 1896. Preliminary hearings took place in the Yokohama consular court 11-19 November. The trial commenced on 5 January 1897 and ended on 1 February. Edith was convicted and condemned to death, but Satow had this commuted to life imprisonment by virtue of an Imperial pardon for criminals proclaimed on 11 January 1897. For an account in English of the trial, see Molly Whittington-Egan, *Murder on the Bluff: The Carew Poisoning Case* (Glasgow: Neil Wilson Publishing, 1996).

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(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

78. Hall to Satow

Yokohama

26.10.'96

My Dear Sir Ernest,

The question of the right of holders of “bund-lots” or “water-lots” in a foreign settlement to prevent the filling-in of the sea in front of them came up and was squarely and officially dealt with, locally, at Nagasaki when I was acting as Consul there in 1882/3.

The Central Govt. had projected or approved of a scheme for filling-in a piece of tidal fore-shore in front of a portion of the bund there for the purpose of a public park or garden. The owners of the lots concerned appealed for protection to their Consuls. The Consular body met, and, after discussion, sent in a joint and unanimous protest to the Kenrei [prefectural governor 県令] against the proposal, and nothing was done towards carrying out the Govt’s scheme.

[Ralph George E.] Forster [2nd Class assistant in Nagasaki] ⁵⁵ will doubtless be able to procure copies of the correspondence from the archives of the Senior Consul there.

May I send you the above officially, so as to have the facts on record here ?

Yours Sincerely

J.C. Hall

79. James Troup ⁵⁶ to Satow

Yokohama

Nov. 4. 1896

4 p.m.

Dear Satow,

⁵⁵ Forster, Ralph George Elliott (1865-1931). Appointed Student Interpreter in Japan, February 16, 1886. Acting Consul at Nagasaki in 1890, 1895, 1896, 1897, 1901 and 1902. Served as Japanese Interpreter to Admiral Sir E. Fremantle during the Sino-Japanese War, August 5 to October 17, 1894. Acting Consul-General at Yokohama on various occasions in 1897. Acting Consul at Yokohama in 1898, 1899 and 1900. At Tamsui in 1900 and 1901. Acting Vice-Consul at Hakodate, 1902 and 1903. Appointed Consul at Honolulu, November 17, 1909. Transferred to Nagasaki, July 20, 1912. Promoted to Consul-General at Kobe to reside there, January 22, 1914. Kobe consular district altered and new commission issued in 1919 and 1922. Made C.M.G. December 24, 1924. Retired on a pension, January 14, 1926. Died at Monaco, December 4, 1931. (Abstracted from F.O. List, 1933)

⁵⁶ James Troup (1840-1925), M.A. of Aberdeen University, was appointed student interpreter in Japan, August 31, 1863. Promoted Consul at Nagasaki, April 1, 1877. Transferred to Hiogo and Osaka, April 1, 1882; and to Yokohama, June 23, 1888. Was a British delegate on the Tariff Commission appointed for negotiation of the Supplementary Convention with Japan of July 16, 1895. Promoted Consul-General for Kanagawa, and also to be Assistant Judge of H.M. Court in Japan, November 18, 1896. Retired on a pension, April 1, 1898. (F.O. List, 1921)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Mr. F.R. Armitage – whose acquaintance I made on board the “Empress” on my way here, has asked me whether I can obtain, for him and his wife, a permit to see the Mikado’s Palace at Kioto.

Mr. Armitage tells me that he called at the Legation on Monday, but failed to see any responsible person. They were to leave for Nikko this morning, and are to return here.

He appears to me to be a very nice sort of man, - and, although I have only a “passenger” acquaintance with him & his wife, I would be very glad if a permit could be got for them.

I recollect that the footing on which the application for such permits was put was that of personal acquaintance, or the like, - and he quite understands that the thing is on a different footing from a mere Passport.

I am,

Yours very truly –

James Troup

From what Hall told me at noon today, I do not think the [Carew] Inquest will be finished today.

80. Hall to Satow

Yokohama

5.11.'96

My Dear Sir Ernest,

On Tuesday night, 3rd inst. I received a telegram from Jamieson, Shanghai: - “What is result of Carew Inquest reply by telegraph”. To this I replied last night:- “Not completed will wire.”

Doubtless Jamieson’s enquiry is on behalf of Wilkinson.

I think the inquest will probably be finished on Saturday. I will telegraph the result to Jamieson if you have no objection.

Yours Sincerely

J.C. Hall

Satow’s reply to Hall (written on the letter)

Ans. No objection to telegraphing in code, tho’ I do not see the necessity of Jamieson being informed, as I am in communication with Wilkinson on the subject.

81. Hall to Satow

Yokohama

6.11.'96

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

My Dear Sir Ernest,

Many thanks for your note and for official instructions. As soon as the verdict was given I wired at once to yourself and Jamieson "open verdict" en clair. I find I cd. not have sent it by Govt. Code.

If I have time after handing over to Troup to make some purchases for the house at Kobe I am off by the P. & O. on Sunday morning. But I may be unable to do so; and in that case I shd. like to go by the P. & O. "Japan" leaving Tuesday, two days later, unless you specially wish me not to stay longer than Sunday mornng. In the absence of any word from you, I shall take it that you leave it open to me to remain here till Tuesday.

It is an immense relief that the inquest is over. Hoping you will enjoy your short visit to Chiuzenji ⁵⁷ believe me

Yours Sincerely

J.C. Hall

82. Troup to Satow

Please return inclosure. J.T.

Yokohama

Nov. 6, 1896

My dear Satow,

Capt. Mudie of the "Ancona" reported the accident here on his arrival. The enclosed (original) letter is a copy of what is in his log.

Since then, the Japanese auths. (police, I think) have been interrogating him, - & he told them he had reported here.

While keenly regretting the accident, Capt. Mudie feels he is bound to stand on the defensive merely, - as the Japanese officials and others are so ready on such occasions to take advantage of any admission made to them, & use it, if it can be used, against the party concerned.

Capt. Mudie holds the accident to have been purely the fault of the junk, in not having shown a light.

I have asked Mr. Woolley what is being done, - and he is to reply, but I have not got his reply yet. If I get it in time I shall send it up by this evening's messenger in another cover.

I think Capt. Mudie's statement meets what the papers say about him having "made off".

Yours very truly,

⁵⁷ Satow was at Lake Chuzenji from November 7th to 9th. (Diary, Ruxton, 2003, p. 455)

James Troup

83. Troup to Satow

Private

Yokohama

Nov. 10. 1896

My dear Satow,

I have received your note of today regarding the record of the Coroner's Inquest. Hall informed me of the contents of your note of Friday, and asked me for the record of the Inquest to take up to Tokio. I explained to him that I thought the Court records (and the record of the inquest is part of the Court records) should not leave the custody of the Court. I depended on him pointing this out to you.

To make my position clear, however, I wish to say that I think your instructions would not relieve me of responsibility if I were to allow the Court records to leave the custody of the Court. In this respect I look upon them as different from the archives which are under my control as Consul.

The record of the Inquest, or parts of it, are certain to be called for as evidence at the Prelim. Investigation (and trial, if there is a trial) and continuous proof of their identity and custody will probably have to be led[?], when they are produced in evidence.

I may say that, since I received your note, I have asked Mr. Litchfield's view, as a barrister, on the point of the record being allowed to leave the custody of the Court, - and he agrees with me that it should not.

I may mention as illustrating the position, that Mr. Lowder ⁵⁸, as Mrs. Carew's Counsel, called at the Registry this forenoon to see some of the exhibits which form of part of the record, - and was, of course, allowed to see them.

I can assure you that my view in this matter has absolutely no other origin than the above, and I hope you will now see the reason for what I told Hall. You will always have my most loyal cooperation in all service matters.

Yours Sincerely

James Troup

⁵⁸ John Frederic Lowder (1843-1902) was appointed Student Interpreter at Yedo in Japan, June 4, 1860. He narrowly escaped being killed in an attack on the Legation on July 5, 1861. Acting Consul at Kanagawa, August 12, 1869 to July 21, 1870. Called to the Bar at Lincoln's Inn, April 30, 1872. Resigned, September 4, 1872. He then worked for some time as a lawyer for the Japanese Government, receiving the Order of the Rising Sun, and by this time was practising in Yokohama as a barrister. [F.O. List, 1904 and *The Times*, February 10, 1902]

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

84. Hall to Satow

Yokohama

13.11.'96

My Dear Sir Ernest,

I return you Forster's desp. herewith, and entirely agree with your instructions to him to relieve the men. Their case comes under para. 111(3) of the Bd. of Trade Instructions to Consuls.

The F.O. Instructions refer to British subjects who are not seamen. Forster shd. of course charge the relief expenses in his Bd. of Trade a/c.

Yours Sincerely

J.C. Hall

85. Troup to Satow

British Consulate

Yokohama

Nov. 16. 1896.

My dear Satow,

Thank you for your note of yesterday. I think the Carew case is likely to extend into Wednesday; so I shall say Friday for coming up to lunch with you, - and doing as many calls as I can, either before or after, or both.

Thank you for the invitation [to dinner] for the 26th. I shall be glad to pass one night at the Legation, instead of coming down by a late train.

Yours Sincerely

James Troup

I do not send a formal reply to your card for the 26th. I accept with great pleasure.

86. Troup to Satow

Private

Yokohama

Nov. 16. 1896.

My dear Satow,

I can let Lay go on Saturday quite well. Thanks for letting me know beforehand.

As compared with [Ernest M. Hobart-] Hampden, in the matter of his Japanese qualifications, I could not give an opinion. I have had no opportunity of knowing Hampden's attainments, - unless quite at second-hand,- by his reputation. As far as scholarship goes, I think you would find Lay a good man. I consider him the best

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Japanese scholar I have had with me, at any of the ports.

He is not very strong sometimes, - not at all a robust man; and that will show itself sometimes in his general grasp of things. I think he is in better health just now, however, than ever I have seen him before.

I should take Hampden to be a man of better abilities, generally, than Lay, - if you were to ask me.

Yes – Tamura was a very good man. I think he went into the lighthouse Service; but I have not heard of him for, I should think, 25 years. Onodera[?] was my other. I saw him in Tokio in 1871 - & not since.

The Carew case is very “draggy” towards the last. Litchfield has only two or three witness[es] more; but the last will probably have been on Thursday.

Yours Sincerely

James Troup

87. Troup to Satow

Private

Yokohama

Nov. 19. 1896.

My dear Satow,

I have arranged with Litchfield that, if there is nothing in the interval from you to the contrary, he will come up tomorrow and meet me at the Legation at 12 o’cl. noon, - and stay to lunch with you.

I purpose coming up earlier in the forenoon myself, and paying some calls in Tokio before coming to the Legation. I would be there by 12, so as to give an opportunity for talking over the matter to which you refer, before lunch.

If this arrangement is inconvenient, please telephone early – as I think of coming to Tokio by the train leaving Yokohama at 9.20.

Mowat calls my attention to a statement in the “Hiogo News” to the effect that Francis Q.C. is coming up from Hong Kong on the “China”.

Yours very truly

James Troup

88. Troup to Satow

Yokohama

Nov. 21. 1896.

My dear Satow,

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

You may like to know that the covers for Wilkinson went forward by the “Coptic”,
for Shanghai, - along with the cover for Pelowi[?].

Mr. Buchanan-Dunlop (Findlay-Richardson & Co.) called on me this morning and
told me that his Japse lawyer,- Masujima -, had informed him that the Japse. Patent
Office will accept none but German applications for Patents.

I am not making any further official reference to you at present on this subject. I think
you have Findlay Richardson’s representation in your hands.

I do not see how the Japse. Govt. can refuse to apply the most-favored nation clause
in this case. Probably the Patent Office only require to be enlightened on the point.

I enclose a copy of Masujima’s clerk’s note to F.R. & Co. You will see Mr. M.
suggests further steps to F.R. & Co.

I am,

Yours very truly

James Troup

Copy

Tokio, 20th November 1896.

Messrs. Findlay Richardson & Co.

Re Trade Marks

Dear Sirs,

Mr. Masujima instructs me to say that though the German Treaty is in force the Patent
office will accept none but German applications. So you will be left behind in spite of
all preparations finished by us on your behalf. Mr. Masujima has been carrying on
private communications with Legations &c. but he will be glad if you will take such
steps as it may be deemed advisable to promote your interest.

Yours faithfully

(sgd) T. Sahara

89. Troup to Satow

Yokohama

Nov. 23. 1896.

My dear Satow,

I am replying officially to your despatch about the Tokio V. Consulate.

I don’t know very well what archives we may require to have here; but I would not
propose to disturb them more than can be helped. Perhaps the better way will be for me
to look at them next time I am in Tokio, & see what we should have here – Registers,

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

for example.

I presume there is a separate V. Consular chest, - separate from the Legation, - with cash in it, fee stamps &c. Lay would have to take possession of those for me.

Would you propose that I kept two sets of accounts, - or carry everything into one account here? I presume the latter.

To meet any increased expenditure here, - I would, of course, expect to have the V. Consulate contingency allowance, - if everything was carried into this Consulate a/ct. We are always hard up, under contingencies.

I shall see what can be done about the Trade figures which Mr. Gatrell wishes; but I should have thought he could have got them from the published Reports and Trade Summaries, in London.

Yours very truly,
James Troup

90. Troup to Satow

Private

(2nd note.)

Yokohama,

Nov. 23. 1896.

My dear Satow,

I think that, before anything is publicly advertised as to the business of the V. Consulate of Tokio being transacted at this Consulate, it would be desirable that you consulted Mowat as to the effect the change would have in matters of jurisdiction.

If you look at the Order in Council, Sectn V, on the Jurisdiction & Authority of H.M. Courts, you will see, Clause 35a, that 'All H.M. Jurisdn...exercisable in Japan, shall, for & within the district of the Consulate of Kanagawa, be vested in the Court for Japan', (C. & J. O. in C. 1878 S. 6 (3)) & Clause 36a. 'All H.M. Jurisdn....exercisable in Japan beyond the district of the Consulate of Kanagawa, & not under this Order vested in the Court for Japan, shall....be vested in the Provincial Courts...each for & within its own district.'

Of course the V. Consul, or acting V.C. in Tokio forms a Provincial Court. If the V.C. ceases to exist (as would be the case under the arrangement now contemplated) of course the Provincial Court in Tokio would cease to exist. The point to determine will be, - will the Provisions of Clauses 37a. and 38a., (C. & J. O. in C. 1878. S. 6 (5.)) be sufficient to provide for jurisdiction purposes in Tokio.

Clause 38a. would seem to admit of the Judge or Assistant J. visiting the Provl. Court

in Tokio. Would this be sufficient?

The point requires fuller consideration than I have had time to give it; and I think it had better be settled before any change takes effect. Of course it is a point for the Judge. Clauses 37a. & 38a. are too long to quote here.

Yours very truly,
James Troup

91. Troup to Satow

Yokohama,

Nov. 24, 1896.

My dear Satow,

I have your note of today.

I have been considering, with Lay, what would be the better course to adopt in taking over the Tokio V. Consular chest.

It appears to me, and Lay agrees with me, that the only way to avoid complication, would be for Hampden to make up, and close, his accounts for the period in this quarter that he has been in charge, - rendering his account, with an account current, to the F.O., - and handing over his balance of money and stamps to me. These I would, of course, account for in my accounts here for the current quarter. We would require to arrange it in this way, if we are to have only one set of accounts for the future; - and I think it would be best to keep only one set of accounts. In fact, the Tokio V. Cons[ula]te as a separate establishment would cease, - and its assets be taken over by this Consulate.

If you think this the better way, and if Hampden can close up his accounts by tomorrow afternoon, - I would send up Lay after lunch to count his balance of money and stamps, and take them over on my account. Please telephone to me about ten o'clock tomorrow morning if Lay should come up in the afternoon.

I would, myself, come up on Thursday afternoon, and see the archives with Hampden.

I think Hampden derives no pecuniary advantage from being Vice Consul, - so he would not mind, I presume, going over his chest a day earlier.

I would not like Lay to be away from here on the same afternoon as myself.

Your note to Mowat has gone out to Negishi. I shall probably see him in the morning & learn what he thinks about the jurisdiction question, in Tokio.

I am,
Yours very truly,
James Troup

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

92. Troup to Satow

Yokohama,

Nov. 25. 1896.

My dear Satow,

I have received your note of today.

Lay thinks he can manage to do the Tokio V. Consulate business by coming up occasionally – say, of an afternoon; and I shall do my best to facilitate the arrangement, - so as to admit of his being made Acting V. Consul at once.

I have told him to telephone from me that he will come up early on Friday morning, - and he is only waiting to get the telephonic communication as I write.

I shall, of course, hope to have an opportunity of discussing the situation more fully when I see you tomorrow.

I am,

Yours very truly,

James Troup

I enclose my letter which Mowat omitted to return to you in his of Friday, - and which he has given me for the purpose.

93. Troup to Satow

Private

Yokohama,

Nov. 25, 1896.

My dear Satow,

I have just telephoned to you that the Judge is writing to you on the legal question in connection with the proposal affecting the Tokio V. Consulate, - and that his letter goes up by special messenger.

Under the circumstances I have also asked that Lay's visit be postponed.

Yours very truly

James Troup

94. Troup to Satow

Yokohama,

Dec. 3, 1896.

My dear Satow,

Mr. John W. Hall, of No. 53, Yokohama, will undertake the enclosed. He has kept the

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

samples, & will write to the party.

I might perhaps suggest that you pass over such things to us, - without your troubling to attend to them yourself. We get numbers of such letters; and it must be troublesome to you to answer enquiries of this nature.

Yours very truly

James Troup

95. Troup to Satow

Yokohama,

Dec. 4, 1896.

My dear Satow,

I now return to you the papers, which you sent me privately, about Trade figures. I have got [second assistant John B.] Rentiers to fill in the figures, as far as possible, in one of the half sheets, - checked by Lay. In reading over Gastrell's letter, and the other half sheet of Queries, - I feel that it would be writing a Trade Report, and a good one, to answer them all. Of course most of what is asked there can be got from the published Trade Reports. Qu. No. 7 perhaps Brenan will tackle.

Regarding the Postscript to the letter, - a very good Summary of the Foreign Trade of Japan for a long term of years was given, by [J.H.] Gubbins, in an article published in the Chamber of Commerce Journal, Lond. in 1894 (about July or August, I think), and another similar one in a paper read before the London Chamber of Commerce last year (I forget the date) by the Japse. Consul Genl. in London, - Hayashi [Tadasu?].

While on Trade figures, I would be glad to be supplied with all Trade Reports on Japan, as they come out. I think each Consulate should have that. I had to write to the F.O. - three years ago, I think - before I could get a few copies of my own report; and we don't get the reports at all completely or regularly.

Yours very truly

James Troup

96. Troup to Satow

"73 of 28 Octr." [Satow's handwriting? Number and date of despatch requested below?]

Yokohama,

Dec. 14. 1896.

My dear Satow,

I am writing now for sanction to charge my house-rent allowance from Oct. 28th, as there may be pressure at the end of the year for time, - during Christmas week.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

May I also ask you for the date of your desp. to the F.O. on my drawing full pay from 28th Octr., - as I must refer to it in the Life Certificate which I send home at the end of the Qr., to enable my Agents to draw my pay.

I hope to write to you soon as to whether it will be possible to get [set?] up our Trade Returns without waiting for the Revised Customs Returns. The Superintendent of Customs offers to help me, - but I could not get the same details as in the Revised Returns, - and if Consular Returns were to be made up on what the Customs have handy, or can readily give me, some modification would be necessary, I think, in the General instructions from the Legation as to the mode of compilation of the Consular Returns.

Yours very truly

James Troup

97. Troup to Satow

Dec. 15. 1896.

My dear Satow,

Thank you for your note of today.

I think it would be quite impossible for Foster [Forster?] and Hampden to have their Reports completed by 15th Jany., - and, if the present form of statistics is to be retained for Imports and Exports in the Tables appended to our reports, it will be impossible for any of the Consulates to have their reports in until much later. Indeed, in that case, I think they cannot well be expected until the Revised Customs' Returns are in our hands.

I think you will be able to see where the difficulty lies by the enclosures which I now send, - and one of the Monthly Customs Returns which I send, as a specimen, along with this.

In Hall's report on 1895, which I enclose, - at pp. 11-15 you will see the Form of Table which we are instructed to compile. All articles of which the Import or Export is from \$50,000 value upwards have to be separately stated. Articles of smaller amount are lumped under "Sundries", - under each class. The classes "Cottons, Woollens, Metals &c. are uniform for the diff. Consulates. All this (or the essentials of the arrangement) date, to the best of my recollection, from Sir H. Parkes' time.

I have seen the Supt. of Customs here, yesterday, and asked him whether he can assist me with statistics to let me get my report out early. He put into my hands the enclosed sheet. It would be impossible from this to compile Tables like those alluded to, (Hall's Report, pp. 11-15), but, if those Tables were to be modified, the Supt's Sheet would enable me to get out Returns of the total trade of this Port for the year sometime, say, in Febr[uar]y, - I should hope the Supt. could give me a sheet with the Year's Trade, in the

month of Jany.

The Specimen of the Monthly Returns which I send you is merely meant to show what a labor it would be to compile Tables like our present Consular Report Tables from 12 such Monthly Returns. The Return for Decr. I could not get until after the middle of Jany., and I doubt if Rentiers (I can hardly set Lay to the work) would be able to make the Tables sooner than the Revised Customs' Returns are out. On seeing the enclosed sheet, do you think our form of Table might be abandoned, so as to get our less well arranged Returns (but still complete as far as the total goes) two months earlier than we can get out our Reports in the present way?

Please return the three documents which I now send.

Yours very truly

James Troup

There is much to be said in favor of well-arranged Tables like those we have hitherto made, - although I am in favor of getting Reports out early, if we do not thereby sacrifice too much.

J.T.

Exports

Silk, raw

Noshi[?]

Waste

Cocoons (pierced)

Tea

Copper

Fish & shell-fish, dried

(dried cuttlefish, awabi &c. &c.)

Miscellaneous

Ginseng

Iriko[small dried fish 炒子], or bêche de mer

Lacquer ware

Mushrooms, dried

Porcelain

Seaweed

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Silk manufactures:-

Habutae (piece goods)

Handkerchiefs

Straw Plaits

Tobacco in leaf

Sundries – (including all Jap. exports not mentioned above)

(also, Foreign Produce reexported as a separate item.)

Imports

Cotton Manufactures:-

Chintzes (prints)

Shirtings (gray?)

Turkey reds

Velvet

yarn, cotton

Woollen manufactures:-

Blankets

Cloth

‘do (part wool)

Flannels

Italian Cloth

Mousseline de laine

Yarn, woollen

Metals, & Manufactures of:-

Iron

Rails

Sugar, Brown

” , White

Kerosene Oil

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Miscellaneous:-

Cotton (ginned?)

Leather

Machinery

Paper

Silk-faced Cotton Satins

Spirits (& wines?)

Watches

Sundries (including Cotton & Woollen manufs. metals & manufs. of metals and all other imports not specially mentioned above.)

98. Troup to Satow

Yokohama,

Dec. 16. 1896

My dear Satow,

Before replying in detail to the questions contained in your note of today, on the subject of Trade Returns, I would like to look further into the matter, - so as not to give a too hasty opinion. I may be able to come to a decision tomorrow. I may, however, answer one of your queries at once:-

The Commissioners sheet, as you say, gives the totals up to October. I expect the totals up to Novr. 30th from him in a day or two; and I could have the totals for the year soon after the middle of January. Only, his totals would not give a sufficient number of headings (items) to admit of our compiling the Consular Returns in the same detail as we do now.

I enclose a sheet, which I have made out from the headings given in the Commissioner's sheet. In this sheet I have arranged the headings and items in the same order as we do in our Consular Returns. If therefore you compare this sheet with any of our Consular Returns (say Yokohama for last year), you will see at a glance what items are not detailed in following the Commissioner's sheet. All the items left out are thrown down to the bottom, and included in Sundries. The sum total (obtainable in Jany.) would be the same, I understand, as the sum total of the Revised Returns.

A suggestion has occurred to me since I wrote yesterday.

Were the Commissioners of Customs at each of the ports ready to furnish our Consuls with sheets similar to the sheet of the Yokoh. Commissioner, - it would, of course, be

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

possible for the Consuls to compile Returns from those sheets quite early in the year. They would not at each of the ports contain the same heading, - as the principal articles of trade are different at some of the ports. Still, complete Returns for each port could be compiled, - & the Consular Reports sent in, say, in Feby.

Now, the Revised Returns appear usually in March. If you decide to continue the Summary of the whole Trade of Japan for the year, - the Tables appended to that ought to be compiled (very much as the separate Consular Returns are now) so as to show, in moderate detail, each article of trade with its quantity & value for all Japan.

It seems to me that such moderate details of the Total Trade would be of more interest to merchants and manufacturers at home than similar details for each port separately. They want to know how much of each kind of goods Japan takes, and not so much whether they are landed at Kobe or Yokohama. A general view of the whole foreign trade must always be a more satisfactory thing than separate views of the trade of each port.

Reverting to what you asked me about Hakodate & Nagasaki, - I am not sure whether, at Hakodate, it might not be possible to have Returns up quite early. The trade is only in a very limited number of things, - and, by this time, will have about finished for the year. Perhaps the Customs there could give Hampden the totals soon after the end of the year, in sufficient detail for his tables. And there would, probably, not be very much else to do. I see, in Chalmer's report for 1895, there are only two articles of Import, and two of Export, - detailed - the rest being "Miscellaneous".

Yours very truly

James Troup

99. Troup to Satow

Dec. 17. 1896

My dear Satow,

I have seen the Supt. of Customs again on the subject of Trade Returns; but I think it would be better for me to talk over the situation with you. It is too long to write about.

I cannot come up before Monday. Would it do if I came up on Monday aft[ernoo]n or on Tuesday afternoon? Failing that, I am not likely to be able to come until Christmas Day.

Tuesday would be better than Monday, as I think the Canadian Mail is due to arrive on Monday.

Yours very truly

James Troup

100. Troup to Satow

Yokohama,

Dec. 19, 1896.

My dear Satow,

Thank you for your note of yesterday.

When I last wrote you about Trade Returns, I was still in hopes that materials might be procurable from the Customs which would enable us to complete our Tables, say, in Feby.

I had, however, some further information to get from the Supt. before I could be quite sure of this. I therefore saw him, once more, yesterday, - and I think I have now got to the bottom of it. His statistical clerk tells us that the Customs do not keep up, till the end of each month, their figures of the whole trade of the Port - i.e. the totals item by item, from the beginning of the year to the end of each month. They only make up the whole Trade, item by item, for each month by itself, and send this to the Finance Dept.

The Finance Dept. keeps up, from the beginning of the year to the end of each month the full details of the Trade - the totals, item by item, for all Japan; and, as I saw from the statistics which we get monthly that the Dept. must do this, I had hoped that each Custom Ho. [House] might do the same for each port. As this is not the case, however, there would be no way for us to compile our Tables for 1896, unless we set to and put together, item by item, from the Monthly Returns, the whole details of the trade of the Port, - or, waited, as we have hitherto done, for the Revised Returns.

I do not think that we could overtake it in the former way, for 1896. Possibly, I think, from a remark volunteered by the Supt., something might be done, by the Customs, against another year, to keep up, at each port, to date, statistics of Trade - taking all items above a certain value.

I shall come up on Tuesday if you think it would do any good, - for this year's Reports, I mean. But, if nothing can be done which would necessitate very early instructions to the Consulates, it might not be worth while for me to come up on Tuesday, & again on Xmas Day, - when the matter, as affecting future years might be sufficiently talked over. I can come up on Xmas Day, after lunch, for this.

If I come on Tuesday I would rather come for the evening than for lunch, - as it would not break my day here.

Yours very truly

James Troup

101. Troup to Satow

Yokohama,

Dec. 24. 1896

My dear Satow,

I have read Foster's [Ralph George Elliott Forster's] desp., and now return it to you, enclosed.

The question of how to deal with pauper lunatics is always a difficult one. In such cases, it becomes impossible to apply the ordinary instructions for the Relief of Distressed Parish Subjects. (General Instruct[io]ns to H.M. Consular Officers. pp. 109 &c.) Of course there is the appeal to the charity of the Community; but in this case, I fear, Foster could hardly expect the Nagasaki Community to respond. ⁵⁹

In February, 1894, [James Joseph] Enslie had a very similar case in Kobe. I believe he appealed to the Minister for sanction to incur expenditure for the pauper lunatic's relief; - the man's name was William Keates.

I forget what was done; and am not certain if I ever knew.

In this case there is no doubt as to the nationality of Wilson; but, assuming he is a British subject, I see nothing for it but to face the responsibility of provisional sanction for the expenses of his relief; and making a special report on the subject to the Secretary of State. I hope you may find a precedent in Keates' case.

I hope to get to the Legation tomorrow before dark. At least I shall try to do so.

The compliments of the Season!

Yours sincerely

James Troup

⁵⁹ "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. The British government, for example, placed a limit of £250 per annum on the total relief to distressed British subjects in Japan, China and Siam. (FO 262/190, Hammond to Parkes, no. 4 Consular, 29 July 1870)." J.E. Hoare, *Japan's Treaty Ports and Foreign Settlements*, Japan Library, 1994, p. 34.

102. Troup to Satow

Yokohama,

Dec. 27. 1896.

My dear Satow,

I have put the two methods, which I have suggested as possible for the re-arrangement of Consular Districts here, before the Judge [Mowat] – and he is clearly in favor of the first, - where Tokio would be retained as an independant [sic.] Consular District. He thinks that, however undefined the term “Kanagawa”, as applied to the Consular District, may have been in the past, it certainly never included Tokio – still less Niigata. I admit that the Kanagawa District never included Tokio, since the Court for Japan was established. (I am not so sure but that the V. Consulate in Tokio was not, at first, subject to the Kanagawa Consulate; but that would not affect the Judge’s point.)

To extend the meaning of “Kanagawa District” so as to include Tokio to Niigata, and thus abolish the Provincial Courts technically (in Tokio actually) existing there, merely by the execution of a new Commission to the Consul, - extending the definition of the “District of Kanagawa”, he thinks would not be sufficient for the Court, - the Consul’s Commission being a private document not accessible to him. He thinks it would be better to retain Provincial Courts as already existing.

As to the issue of a Warrant to the Assist[an]t Judge, - he thinks there can be no question about it. The A.J. ought to have a Warrant.

I confess I still think the second method is simpler; - and it would not materially add to the original ordinary jurisdiction of the Court for Japan.

The Judge might be made cognizant of it by an official communication independent of the Consular Commission.

Only, I think that no re-arrangement of matters of jurisdiction should be made without the Judge being officially consulted, - and his views placed on record.

I enclose an amended wording of the two methods suggested. The former one is somewhat modified, to meet the views of the Judge, from the form in which I gave it to you yesterday. The second is in much the same words as I submitted it before to you, I think.

I am – yours very truly –

James Troup

Memo.

(1.)

One method:-

The Consular title to be “for the Districts of Kanagawa, Tokio and Niigata, - to reside at Yokohama.”

The separate districts to be defined by desp. [despatch] only (without their limits being enumerated in the Commission).

[illegible line]

The Tokio District might be defined as comprising the Tokio Prefecture, the Niigata District as comprising the Niigata Prefecture, and the Kanagawa District as comprising the Prefectures of Kanagawa (- and all the remaining Prefectures between and)

This would retain the technical existence of Provincial Courts at Tokio and at Niigata. In these the Consul could preside, as Judge of the Provincial Court, or they might be “visited” by the Judge (or A.J.) of the Court for Japan.

All notices of Consular marriages would be given at the Consular Office at Yokohama, - if no Consular Office is retained at Tokio, and all Consular marriages would have to be celebrated in the Public Consular Office at Yokohama.

If a Public Consular office is retained in Tokio, notices of marriage would be receivable there and exhibited there, and the marriages would be celebrated there, - for the Tokio District only.

(2.) Another method:-

The Consular title to be “for the District of Kanagawa, - comprising the Prefectures of Kanagawa, Tokio, Niigata (and all the remaining prefectures between and), to reside at Yokohama, in the Prefecture of Kanagawa.”

Under the wording of the Order in Council the Court for Japan would then exercise its ordinary original jurisdiction over all these places, - as it does now over the Dist[ri]ct of Kanagawa” as the term is at present accepted, - and could sit in Yokohama, in Tokio, or in Niigata.

This arrangement would probably imply only one Consular Office, - at Yokohama, - in which case Consular Marriages, for the entire district, would have to be celebrated at Yokohama.

(1.) One method:-

The Consular title to run:-

“for the districts of Kanagawa, Tokio and Niigata; - the Kanagawa District to comprise the Prefectures of Kanagawa (and all the prefectures, - except Tokio & Niigata, lying between _____ prefecture on the S.W.); the Tokio District to comprise the prefecture of Tokio; the Niigata District to comprise the prefecture of Niigata, _____ to reside at Yokohama.”

This would retain the technical existence of Provincial Courts at Tokio and Niigata. In those the Consul could preside as Judge of the Provl. Court, - or they might be “visited” by the Judge or Assistant Judge of the Court for Japan.

If a Public Consular Office, where the Consul transacts business, is retained (as would, presumably, be the case if this method were adopted) in Tokio, notices of Consr. marriages would be receivable there, and marriages celebrated there for the Tokio District.

(See Marriage Act. 55 & 56 Vict. cap. 23 & 24.)

(2.) Another method:-

The Consular title to run:-

“- for the District of Kanagawa, comprising the Prefectures of Kanagawa, Tokio, Niigata, (and all the prefectures lying between _____ prefecture on the N.E. and _____ prefecture on the S.W.) to reside at Yokohama, in the prefecture of Kanagawa.”

Under the wording of the Order in Council, (O. in C. 35.a.) the Court for Japan would then exercise its ordinary original jurisdiction over all these places, - as it does now over “Kanagawa” as the term is now used, (without any strict definition ever having been given to it), - and the Court could sit in Yokohama (as now) or in Tokio, or in Niigata, as occasion might require. (O. in C. 22 b. (3))

This arrangement would probably imply one Consr. Office, - at Yokoh. - in which case Consular Marriages for the entire Consular District would have to be

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

celebrated at Yokohama.

103. Troup to Satow

Yokohama,

Dec. 30, 1896.

My dear Satow,

The reason why the reply of the Director of Posts & Telegraphs is not enclosed, in my official now sent, is that we have not yet received it, although it was to have come in this afternoon. There is no doubt as to its purport, - as I have it verbally since Monday, - and have sent over about it, as there was delay in sending his written answer.

I do not know if anything can be done. The P. & Telegr. Officer tells me a similar application was refused to the U.S. Court; but I am bound to bring the request to your notice in the last resort.

Yours very truly,

James Troup

104. Troup to Satow

Yokohama,

Jany. 3/96. [sic. 97?]

My dear Satow,

Thank you for your notes of yesterday and today about the production of the telegram. ⁶⁰ I shall try to see Judge Akeyama [Akiyama Genzō?], Prest. of the Yokohama Court tomorrow morning about it. There will still be time, as it will not be wanted during the first days of the trial. Wishing you a Happy New Year.

Yours Sincerely,

James Troup

105. Troup to Satow

Monday eve.

Jany 4th. 1897.

My dear Satow,

I learn from the Judge that you wished to know what I had done in the matter of the telegram.

⁶⁰ Edith Carew sent a telegram to her lover Harry Vansittart Dickinson in Kobe just before her husband's death. James Troup tried to obtain a copy of the telegram for use as evidence in the British Court.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

I saw Judge Akeyama this forenoon about it. The upshot of the interview was that he is willing, on the report of the British Court, forwarded to him through me, to require the Director of Posts & Telegraphs to send an official to our Court as a witness with the telegram (if it exists), - provided that he knows beforehand that his order to the Director will be complied with.

I subsequently saw the Director, and asked him if he would first answer my question: Did any such telegram pass?

and then, if it did, would he produce it to the British Court on the order of the President of the Yokohama Saibansho, Judge Akeyama. The Director told me he was going to Tokio tomorrow, and would see the Heads of the Department of Communications, and ask if the first question might be answered; and, also, if the telegram could be produced, on the conditions named, to the British court. I am to learn the replies of the Departmt. from him on Weds. at 9 a.m.

The Director told me, however, that a similar application had been made by Consul Enslie to Judge Mayebara, then Prest. of the Kobe Saibansho, for a telegram to be produced in the British Court in Kobe – while the Director was in the Post & Telegr. Office at Kobe; and that Judge Mayebara had given it as his opinion that the telegram could not, under the Regulations, be produced to the British Court.

Akeyama has, thus, gone a step further than the Kobe Judge. But he wants to be assured, before he issue an order for the production of the telegram, that the validity of his order will not be disputed by the Departmt. of Communications. The Regulation is intended, no doubt, for cases where the telegram is required for use in Japanese Courts. These Courts are, however, auxiliary to each other, and a Kobe Judge, for example, may require the production, from the Kobe Post & Telegr. Office, of a telegram, for use in a Yokohama Court. Akeyama thought there was something in the argument which I used, that the British Court here was a Court recognized by the Japanese Government, under Treaty Sanctions, as existing and administering justice on Japanese soil.

Yours very truly,

James Troup

If you can still help the matter with the Dept. of Communic[at]ions it would be very material, I think.

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(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

106. Troup to Satow

Yokohama,

Jany. 5, 1897.

My dear Satow,

The enclosed has just reached me, by post, from the Master of the S.S. "Morven". I have not yet acknowledged it. Do you think I had better inform him that I have handed it to you, - as the proper person for him to address, or return it to him and refer him to you. The latter course might be a long one. A letter might not reach him at Mogi [Moji 門司]; and I do not know where his ship is going to after that.

Yours very truly

James Troup

107. Troup to Satow

Jany. 6. 1897.

My dear Satow,

I have had another letter from the Director of Posts and Telegraphs in which he tells me he is still unable to give me a definite reply about producing the telegram.

As the case for the prosecution must still go on for some days, there may still be time to do something.

I ought to add that, some days ago the Director had agreed to send an officer of the Post Office to the Court with a certain letter addressed to the Director by the late Mr. Carew, - which was wanted in the case (and is still wanted). The letter in which the Director informed me that his officer[?] & the letter would be sent to the Court, he has now cancelled by order of the Head of his Department.

The Director is evidently more ready to assist the Court than his Chiefs.

We usually get all Japanese evidence (i.e. of private persons) through the Kencho [prefectural office]; and I intend to ask the Chiji [prefectural governor 知事] formally to procure the production of this letter.

As to the telegram, however, I anticipate more difficulty; & should still be glad of your assistance. ⁶¹

Yours very truly,

⁶¹ The Carew trial began on January 5, 1897. See Satow's diary for January 7th:

"Okuma Urged on him that if owing to non-production of telegram and letter asked for the Carew trial should miscarry, the fault would not be ours. He promised to send at once to the Department of Communications and tell them not to make difficulties." (Ruxton, 2003, p. 150).

Also January 21st: "Carew case the teleg. Had sent i.e. [Justice Minister] Kiyoura had for Akiyama [Genzō] and asked him to do the best he possibly could in the matter."

James Troup

108. Troup to Satow

Jany. 8. 1897.

My dear Satow,

In your note of today you do not mention my official of yesterday about the telegram; but I infer that you have received it, as you mention the letter as well as the telegram.

I have sent to the Prest. of the Yokohama Saibansho the application for the contents of the telegram, in a form which he will accept. He says he cannot compel the production of the Telegram in the British Court, but thinks he can compel its production to him, and then let our Court know the contents. Perhaps this can be accepted as evidence of the contents – if it can be proved in Court that it is impossible to get the original; but if objection is taken by the defence to such evidence of the contents of a telegram, I have doubts whether in a case of this nature the Judge will rule that it be accepted. Mowat seemed to think today that it might; but I think that then he had not considered what he would do if the Defence objected.

The Chiji (Kencho) has informed me that the Director will not produce the Letter at his request, and he cannot order its production. He therefore has suggested to me that I should take the same course with the letter as I have done about the telegram, i.e. apply to the Prest. of the Saibansho [Japanese Court] about it.

Yours very truly

James Troup

109. Troup to Satow

Yokohama

Jany. 9, 1897.

My dear Satow,

Thank you for your note of yesterday, about the telegram as evidence.

There is no doubt as to the existence of the telegram. Its purport is also known to the Crown Prosecutor. It must, however, be produced, in original, in Court, as evidence.

I am still in correspondence with Judge Akeyama [Akiyama], the Prest. of the Yokohama Saibansho about it; but, in my last interview with him, I learned that he found a difficulty in causing its production to this Court. I have, however, written him again on the subject.

I would, in any case, like an official reply from you to my application about this. If the original telegram is not produced in Court, I shall be put by the Crown Prosecutor

into the witness box, and called on to testify what I have done to procure its production. I want, in such [a] case, to be able to show, by the correspondence, that I have exhausted every means to get it, & failed. The blame will then rest on the Department which fails to produce it, - or on the want of adequate arrangements for compelling the production of such evidence.

I would still hope that the Tei-shin sho [逓信省] ⁶² would acquiesce in the production both of the telegram & of the letter. The Regulation, as I read it, says it (they) can be produced to a Juge d'Instruction. I have not seen anything which says that it may not be produced to anyone else. If the Dept. can produce it, - as I believe they can, if they will, - and refuse, it will become public property, through the evidence which I shall be compelled to give in Court, that they have impeded the administration of justice.

I am,

Yours very truly

James Troup

110. Troup to Satow

2nd note

Yokohama

Jany. 9. 1897.

5 p.m.

My dear Satow,

Since I wrote you my former note of this date I have received your official reply to my desp. on the subject of the telegram and letter. I have also got your private note of today, on the same subject. I, however, allow my former note to go forward just as it was written. If nothing further can be done by the Foreign Minister [Ōkuma Shigenobu], - I shall wait until I see the Prest. of the Yokoh. Saibansho again, before I do anything further. Possibly he may be able to send an officer of his Court to our Court with the telegram - if the Departmt. of Communications will not allow their officer to bring it to us.

I shall mention your suggestion that I should inspect the telegram, and make a certified copy, to the Crown Prosecutor; but I do not think this would be sufficient. He wants to prove that it is signed by the accused, - and in her [Mrs. Edith Carew's]

⁶² The *Teishinshō* (Department of Communications) was founded in 1885 by the Cabinet. It was abolished in 1949 and replaced by the Ministry of Posts (*Yūseishō*) and the Ministry of Electronic Communications (*Denkitsu-shinshō*), the forerunner of NTT.

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handwriting, - as is believed to be the case. This would have to be done in Court by some one knowing her handwriting, - unless her Counsel will admit the handwriting when it is produced. If I were to make a copy of the document, I could not certify that it was a document signed by her, - but only purporting to be so. These are merely my own notions on the point; I shall confer with the prosecution again about it.

And, about the letter, if the Prest. of the Saibansho cannot get it produced to the Court, (our Court), I shall see what Lowder says to a copy of it certified by me. There wd., I think, be the same difficulty as with the telegr.

Yours very truly,
James Troup

111. Troup to Satow

Yokohama

Jan. 11, 1897.

My dear Satow,

Judge Akiyama cannot procure the production of the Telegram in the British Court. I have exhausted every means to compass it, - by letter and interview. He cannot legally bring about the production of the original of the telegram in our Court, and nothing less will answer the purpose required. I have looked with him at the Regulation under which such can be produced to a Juge d'Instruction, - and also at the Post & Telegraph Regulation prohibiting the production of P. & Telegr. matter otherwise. This latter I had not seen when I wrote you last on the subject. Mr. Akiyama suggests that the Minister for Forn. Affs. should not let the matter drop with a representation to the Minister for Communications; - but should lay it before the Cabinet, - seeing the evidence is of great importance on such a grave charge. He thinks that as our Court is internationally recognized as a Court in Japan, the Department ought to be required to produce the evidence to our Court.

As to the letter, Mr. Akiyama thinks the P. & Telegr. Department simply misunderstand the Regulation. This refers to Postal Matter passing through their hands. But the letter is simply one addressed by the late Mr. Carew to Mr. Unagami, the Director of Posts & Telegr. here. It is not postal matter at all. Mr. Unagami had no hesitation at all in showing it to me. Mr. Lowder has also seen it. It is only that the Head of Department has prohibited its production - under a misreading, it is believed, of the Regulation.

I forget whether I wrote you that the Crown Prosecutor knows that the Telegram passed, and he also knows its purport; but nothing less than the production of the

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(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

original in our Court will answer his purpose.

Yours very truly

James Troup

112. Troup to Satow

Yokohama

Jany. 15. 1897.

My dear Satow,

I enclose copy of a telegram which I have had from London (reply paid).

I have seen the point discussed in the Newspapers, as to whether English Inventions already known in Japan are protected under the new Regulations & arrangement, - but do not know really how it is. Perhaps you can tell me, - so that I may telegraph reply as soon as possible.

I may not be able to give you a note on Foster's letter until Sunday.

Yours very truly,

James Troup

113. Troup to Satow

Yokohama,

Jany. 17. 1897.

My dear Satow,

With regard to the complaint of the Master of the S.S. "Morven" against Mr. Foster [sic. R.G.E. Forster?], - I find that Mr. F's reference to Sectn. 423 of the Mercht. Ships Act, 1894, is quite correct. Cl. (2) of that Sectn. says the Master who fails to comply with this Sectn. shall be liable to a fine not exceeding £ 20.

A fine of any sum up to \$200 (over £ 20) would be recoverable in our Provincial Courts in a Summary way (O. in Council, Sect. 70).

Mr. F's references to Cl. (4) Sectn. 239, M.S. Act, are also correct.

If the master felt aggrieved by the action of Mr. Foster and considered his action illegal, his remedy was, under Rule 332 of the Rules of Procedure of H.M. Courts in Japan, to make an application to state a case on a special point of law.

I may say, however, that, for my part, I see nothing illegal in Mr. Foster's procedure.

In Mr. Ellis' letter, he says Mr. Foster held a Naval Court, to determine the question of damages by the collision. This is not contradicted by Mr. Foster, but I think the master must be in error, and that Mr. Foster has simply overlooked the fact that the master calls the Court a Naval Court.

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(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

I find that, before holding a Court, Mr. Foster (unknown to me at the time), consulted with Mr. Mowat as to whether he had jurisdiction in the collision case. Mr. Mowat advised him that he could try the case in the ordinary Provincial Court, if brought against the master personally , and not against the ship. (The latter course would have been an Admiralty procedure, and our Provl. Courts are not Admiralty Courts.)

I have no doubt, therefore, tried the case in this way, against the master, in the ordinary Court.

The action of Mr. Ellis regarding his sick men appears to be very bad. Every case of illness happening to a member of the crew should be entered in the official log, as soon as possible after the occurrence.

I return the Correspondence, enclosed.

Yours very truly,

James Troup

114. Troup to Satow

Yokohama

Jany. 18/96

My dear Satow,

I forgot to ask you, when I saw you this morning, whether you could give me information on the subject of inventions already known in Japan, - to enable me to answer a telegraphic enquiry which I have had from London, asking if patents can be granted for them. I suppose my previous letter [no. 112 above] reached you, - but in case it may not have done so, I give a copy of the telegram on the other side.

Yours very truly,

James Troup

Telegr. London 13.1./97.

“Can patents be granted for English inventions already known in Japan?”

Cable Seopo[?], London.

(ansr. is prepaid.)

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(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

115. Troup to Satow

Yokohama

Jany. 19. 1897.

My dear Satow,

If you believe my commission as Consul General has issued, - it would be safe for you to issue an appointment to me as Acting Assistant Judge, - would it not?

If I cease to be “Consul for the District of Kanagawa”, I have nothing to hang on by as Assistant Judge, unless you give me the acting appointment until a warrant comes out.

Yours very truly

James Troup

Perhaps it would be better to wait until you have it officially that I am appointed Consl. Genl., - unless you know of its being gazetted.

116. Troup to Satow

Private

Yokohama

Jany. 19. 1897.

My dear Satow,

In acting as Assistant Judge, I have nothing but my commission as Consul, and the authority of Sect. 6 (2) of the Order in Council, 1878, which says:- “Unless and until the Secy. of State otherwise directs, Her Majesty’s Consul for the time being for the District of the Consulate of Kanagawa shall be the Assistant Judge of the Court for Japan.”⁶³

I understood you to say, after our discussion of the point, that the Assistant Judge should have a Warrant, that you had written to the F.O. about that, - I understood privately written. I have never been appointed Acting Assistant Judge.

Yours very truly,

James Troup

⁶³ Satow’s diary entry for February 2, 1897 reads in part:

“[Hiram Shaw] Wilkinson came up this afternoon to urge the commutation of Mrs. Carew’s sentence on the ground that Troup being now Consul-General a doubt arises whether under the O[rder] in C[ouncil]. I said that tho’ the promotion had been gazetted he had not received his commission, and it had not received the Emperor’s Exequatur [official recognition]. Hence whatever functions he exercises are exercised as consul under the commission he holds. That if it were otherwise there would only be two alternatives, namely the passing of a new O. in C. [Order in Council] or cancelling the appointment, and if necessary I should telegraph F.O. to that effect. But I was glad to have an opportunity of consulting him.” (Ruxton, 2003, pp. 157-8)

117. Troup to Satow

Private

Yokohama

Jany. 20. 1897.

My dear Satow,

Thank you for your note of today on the subject of the Warrant. I have been much concerned about this, since yesterday. I had thought of suggesting to you that you should furnish me with an appointment to act as Assistant Judge, - to date as from the day on which I took over charge from Hall, i.e. Novr. 7th [1896]. This course, however, would give rise to awkward questions as to my position in former years.

Would it be possible to make the Warrant state that the appointment is to date as from the date of my Commission as Consul for the District of Kanagawa, i.e. June 23rd, 1888? That is, of course, the date on which it should have issued.

I have looked up, as far as I can, in the Correspce., to find if Russell Robertson had a Warrant. I can find nothing on the subject. He was absent on leave in England when the Provl. Court for Kanagawa was abolished, and the Court for Japan established. The first actual occupant of the post of Assistant Judge was [H.S.] Wilkinson, who was appointed to act in that capacity by Sir H. Parkes, in his desp., No. 73, of Dec. 23, 1878. The words are:-"in the absence of Mr. Russell Robertson, who by the Ch. & Jap. O. in Council, 1878, is "ex officio" Assistant Judge of H.B.M.'s Court for Japan, I hereby appoint you Acting Assist. Judge." &c. &c.

Again, in Sir H. Parkes' desp., No. 75, of Dec. 24. 1878, he encloses to Wilkinson copy of a desp. (Consular No. 39, dated For. Aff. Nov. 7th, 1878.) from Lord Salisbury about the appointments to the Court. His L'ship's desp. says:-.... "Mr. Rennie ⁶⁴ [has been appointed] Judge of H.B.M.'s Court at Kanagawa. H.M. Consul at Kanagawa, whose Provl. Court is abolished, is "ex officio" Assistant Judge of the new Court for Japan. As, however, Mr. Consul Robertson is at present away from his post on leave of absence, I have to instruct you to appoint Mr. Wilkinson, &c. &c."

Russell Robertson appears to have returned in July, 1881; on the 28th July he was appointed Acting Judge, without then having resumed charge of the Consulate at all. I find no reference to his Warrant as Assistant Judge on the Court Correspondence.

My Commission as Consul contains the words "...hereby giving and granting unto

⁶⁴ (Sir) Richard Temple Rennie was called to the Bar at the Inner Temple in 1860 and practised at the Supreme Court for China and Japan for many years. Was appointed Judge of Her Majesty's Court for Japan, October 30, 1878. Chief Justice of the Supreme Court for China and Japan at Shanghai, December 14, 1881. Knighted November 30, 1882. Retired on a pension, April 1, 1891. Died at Sidmouth, April 14, 1905. (Extracted from F.O. List, 1906)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

him full power and authority...to aid and protect our said merchants and others...And also as our said Consul to use his utmost endeavours to preserve and keep all our said merchants &c.... and also to examine and hear, and, as much as in him lies to compose and determine all and all manner of differences, contentions, suits and variances that may...arise...between our merchants...and between any of our merchants and subjects and any of the subjects of the Mikado of Japan.”

I don't mean that this is sufficient, but it may perhaps be held to cover part of the ground.

I see my appointment as Consul General in the “Times” of Dec. 16th, as you say; so it is now urgent that I should be informed that a Warrant as Assistant Judge has been issued to me. If it dates from the date (Nov. 7th) on which I took over charge from Hall, as you have recommended, that would, I think, do; but it must date not later than the date of my Commission as Consul General; and the Secretary of State should “direct” (O. in Council 1878, 6(2)) that the Consul General for the District of Kanagawa be Assistant Judge. They are sure to see this at the F.A. when they get your telegram.

Yours very truly,
James Troup

118. Troup to Satow

Private

Yokohama

Jany. 21. 1897.

My dear Satow,

I have spoken with Mowat on the subject of the Warrant. As I mentioned before, when we talked about it, he is of opinion that it is necessary. He does not, however, see any reason for writing to you on the subject.

He rather thinks that if he is to write on the subject, it would be his course to write direct to the F.O. to say that the Assistant Judge has no Warrant, and the defect should be remedied.

I confess I think it had better go on through yourself. It was known before to the Judge or Acting Judge here, - and nothing was done to remedy the defect. The present offers the most suitable opportunity through yourself.

Yours very truly,
James Troup

119. Troup to Satow

Yokohama,

Jany. 22. 1897.

My dear Satow,

I have been looking into Trade Report subjects again, - and have been able to ascertain,- from the Customs' Rates of Exchange as adopted in the four Quarters of last year, - and from Bank Rates, obtained independently from two sources, - what the Rates should be at which the Yen of the Customs' Tables for last year should be converted into Sterling. They are, (following the same terms as those of your desp. Circlr. No. 7, of Feb. 11. 1896, and Circlr. No. 5, of Feb. 15. 1895) for

All Exports....	2s. 2d. p. Yen.
For Imports of Sugar and Miscell. Eastern Produce, other than Brit. Indian and Australian.....	2s. 2d. "
All other Imports....	2s. 2¼d "

 It occurred to me, before I went on home leave, and in view of the attention which is given to the subject of the growth of Japanese textile industries, that it might be worth while, in our Trade Returns (Tables) to institute, under Exports, headings of "Cotton Manufact[ure]s" and "Silk Manufactures", - instead of including these under "Miscellaneous", as has hitherto been done. The headings of Exports would then be, Silk, Cocoons, Tea, Rice, Coal, Copper, Fish, Cotton Manufs., Silk Manufactures, & Miscellaneous.

In 1895, Yokohama showed as follows in.....

Cotton Manufs.:-

Yarn.....	£18, 130.
Piece goods....	<u>54, 963.</u>
	<u>£73, 093</u>

Silk Manufs.:-

Habutae...	£901,926.
Handkerchiefs.....	569,334.
Sundries...	<u>249,498.</u>
	£1,720,758.

If we add Silk & Cotton Mixtures.	<u>5,537.</u>
the total will be	<u>£1,799,388.</u>

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

or, next in value, among Exports, to Raw Silk.

Hiogo & Osaka, in 1895, showed:-

Cotton Manufs.:-

Yarn..... £87,875.

Piece goods.... 179,517.

£267,392.

Silk Manufs.:-

£36,533.

I have not heard yet when we are likely to get the Customs' Statistics for last year.

Yours very truly,

James Troup.

120. Troup to Satow

Private & conf.

Yokohama,

Jan. 22. 1897.

My dear Satow,

I quite understood that you intended to write about the Warrant by the outgoing mail, - and said so to Mowat (without, of course, mentioning the telegram). The view he took of it was simply this, that if you wished to have his opinion direct, the correspondence should not begin from his side. This referred to a private note, - at least that was my understanding on mentioning it, - a private note from him to yourself. If you consulted him, he would give you his opinion direct, - which at present you have only through myself.

He wanted you to ask for his opinion direct, in fact, that is all.

Perhaps I was not clear enough in my note of yesterday [No. 118 above].

Yours very truly,

James Troup.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

121. Troup to Satow

Yokohama,

Jany. 23. 1897.

My dear Satow,

Thank you for your note of today, saying the point has been referred to the Law Officers [of the Crown at the Foreign Office]. That promises the best solution of the difficulty. If they say a Warrant is necessary, no doubt one will be sent.

Yours very truly,

James Troup.

122. Troup to Satow

Yokohama,

Jany. 26. 1897.

My dear Satow,

I have received official notice from the Kencho [prefectural office 県庁] that the Empress Dowager's remains will be carried out from Tokio on 2nd. Feb., & interred at Kioto on 8th Feb. ⁶⁵

I would propose to half-mast the flag on both occasions. I believe we have instructions at the Consulates to inform the Legn. when we halfmast the flag from international Courtesy, - so that the Consulate flags should not be at half mast on such occasions unless the Legation's is also. I presume your flag will be at half-mast on those days? Yours very truly

⁶⁵ Satow's diary entries (Ruxton, 2003) read: "An official note from Ōkuma delivered during the night to say that the Empress-Dowager died at 6 yesterday afternoon. So Lowther and I went and wrote our names at the Awoyama Palace. Gubbins went later." (January 12, 1897); "Went after lunch to Komura, and expressed regrets for the death of the Empress Dowager. He said it was not the case that telegrams had been sent to the crowned heads of Europe, as these must have gone through the Foreign Department and that all that had been done was to telegraph to the representatives." (January 13); "Okuma Says that the Heads of Missions are all to be invited to Kiōto to the Empress Dowager's funeral about 6th Feb. Has taken 2 hotels and will provide a ship." (January 21); "Dined at Lowthers. Gutschmid was there... I suggested to him that if the Emperor himself does not go to the Empress Dowager's funeral, we ought not to be asked. Upon that he had another hot discussion with d'Anethan on the subject, asserted that he would tell Ōkuma he ought not to ask us. I remarked that it was a delicate matter to offer a suggestion on the matter to the Japanese, but personally I had no wish to go and should be glad if we could get out of it." (January 24); "D'Anethan came in after dinner. We agreed not to go to the Awoyama station to see the coffin of the Empress Dowager depart." (February 1); "Went to the Empress Dowager's late residence to a Shintō function [the departure of the hearse]. All the diplomatic body there but Gutschmid, who was taken ill during the night." (February 2).

See also Satow to Sir Arthur Bigge, January 28, 1897, No. 50, PRO 30/33 14/9. (Ruxton, 2007, pp. 69-70).

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

James Troup

123. Troup to Satow

Yokohama,

Jany. 27. 1897.

My Dear Satow,

I have received the enclosed telegram from Calcutta.

I purpose asking, - or have asked, - the Local Foreign Bank Agencies here to "allow Lists to lie in their offices; and I am tomorrow morning asking the [Yokohama] Specie Bank, and, through them, the Bank of Japan, to allow Lists to lie in their offices.

I have asked, or am asking the Local Newspapers to insert a Notice (gratis), to the effect that these Lists lie at the Banks; and inviting subscriptions, - stating (perhaps in paragraph form) the purport of the telegram.

Can you suggest anything else, - or give me your opinion on this method.

If there is necessity please telephone about ½ past 10 a.m.

I purpose calling at the Specie Bank before or about 10.

Yours very truly,

James Troup

(Copy telegr.)

Calcutta, Jany. 27, 1897.

British Consul General

Yokohama.

Central Committee Indian Famine Relief Fund Calcutta earnestly solicit your cordial cooperation highest possible scope private benevolence outside state relief system area numbers affected enormous distress rapidly increasing. Feel sure unavoidable privations millions industrious poor will arouse profound sympathy of all classes all nations.

Committee make earnest appeal to you to organize Relief fund. Will be deeply grateful Contributions which will be publicly acknowledged. Sir Francis Maclean⁶⁶ Chief Justice Bengal Chairman Committee.

⁶⁶ Sir Francis William Maclean (1844-1913) was an English politician and Cambridge-educated barrister. From 1896 to 1909 he was Chief Justice of Bengal. His career in India included the chairmanship of famine relief committees in 1897, 1900 and 1907, as well as a short spell as Vice-Chancellor of Calcutta University between 1898 and 1900.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

124. Troup to Satow

Jany. 28. 1897.

My dear Satow,

Thank you for your note received by Layard. I have put down the \$250 in the lists which I am now leaving at the Banks.

Yours very truly,

James Troup

125. Troup to Satow

Yokohama,

Jany. 30. 1897.

My dear Satow,

I think I need not write you officially about the public mourning. Capt. Hallifax will follow the suggestion in your despatch.

I have been asked by Mr. Stirling (Browne & Co.) whether, now that Art. XVII of the [Anglo-Japanese] Treaty of 1894, regarding patents, trade-marks and designs, has been brought into force, Clause 3 of the Protocol annexed has also been fulfilled, - i.e. whether Japan has yet joined the International Conventions for the protection of Industrial property.⁶⁷

There appears to be no obligation on Japan to join those Conventions, - so long as the cessation of Consular jurisdiction is not immediately imminent, and I suppose she has not done so? I have not heard of her having done so.

Yours very truly,

James Troup

⁶⁷ Japan did not apply to join the Paris Convention for the Protection of Industrial Property of March 20, 1883 until April 1899. Japan did not sign the Madrid Agreement to prevent fake and misleading certificates of origin of March 14, 1891 until 1953. (Ruxton, 2003, p. 353)

126. Troup to Satow ⁶⁸

Private

Yokohama,

Feb. 2. 1897.

My dear Satow,

In connection with the Carew case, Wilkinson has “called attention to the fact”, as he expresses it, “that there is no Sheriff in Yokohama.” He, of course, refers to the provision of Sectn. 7 (2) of the O. in C. [Order in Council] 1878, to the effect that the Consul for the District of Kanagawa shall be Sheriff for the execution of the decrees of H.M. Court for Japan, - and there being no Consul, but only a Consul General, he holds there is no Sheriff.

We have already, I think, conferred on this point; and I refrain from troubling you on it now, hoping to have an opportunity of seeing you on the subject later on.

Of course, until my new Commission reaches me, I look upon it that I am Consul, and not Consul-General.

It is, however, to my position of Assistant Judge that I wish to call attention again. You certainly mentioned the instance of Bangkok, where it was held that the functions which the Consul had discharged under the O. in C. for Siam devolved on the Consul General, when the title of the post was raised, - and no Consul existed there.

But, as at present I have no Warrant, other than my Commission as Consul, and have no Authority to act as Assistant Judge other than that Commission and Sectn. 6 (2) of the O. in C. 1878, there is even now a question of “defect” attaching to the position; and if, as Wilkinson holds, (and, I may say, Mowat seems to take the same view) the Consul-General would not be Sheriff, then my position as Assistant Judge would by similar reasoning become still more precarious than it is now; and I would hesitate to discharge its functions.

So much do I feel this, that I would ask you, - if my new Commission should reach you before you are at least ensured by telegram, and can assure me, that a warrant as Assistant Judge has actually issued in my favour, - to keep back the new Commission until you are so assured; or, failing that, - and, better, until the Warrant actually reaches me to issue, yourself, when you send me the new Commission, an acting appointment in my favor [sic], as Assistant Judge.

I am,

⁶⁸ See Satow to W.E. Davidson, Law Officer at the Foreign Office, February 5, 1897, PRO 30/33 14/9 which begins: “Troup, Mowat & Wilkinson seem to have found what seems to me a choice collection of mare’s nests...” (I. Ruxton, *The Semi-Official Letters of British Envoy Sir Ernest Satow from Japan and China (1895-1906)*, Lulu.com, 2007, p. 70.)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

Yours very truly,

James Troup

I intend speaking with the Judge about this as soon as I have an opportunity.

J.T.

[Paper summarising the letter, apparently in Satow's handwriting]

Troup 1897. Feb. 2.

Consul? non-existent since promotion to Consul-Genl.

127. Troup to Satow

Private

Yokohama,

Feb. 4. 1897.

My dear Satow,

The enclosed, which I have received from Mr. [John C.] Budd, the Manager here of the Chartd. Bank will, I daresay, interest you, - whether you feel at liberty, and can answer the query which he puts to me or not. ⁶⁹

I should be very glad to be able to inform him, if you think that information which it may be in your power to get can be used in this way.

I am reminded by Mr. Budd's enquiry that it was from him that I had the first intimation that war was brewing against China.

Yours very truly,

James Troup

Please return to me Mr. Budd's note.

⁶⁹ Satow spoke to John Budd on February 10, 1897:

“Went to Yokohama, lunched with Wylie at the Club, and paid calls. Had a talk with [John C.] Budd [of Chartered Bank] about finance. He confirms what Ōkuma said about Bank of Japan not having actually in its vaults all the gold and silver coins and bullion shown in the balance sheet. The difference is with the Specie bank in London.” (Diary, Ruxton, 2003, p. 160).

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

128. Troup to Satow

Private

Yokohama,

Feb. 4. 1897.

My dear Satow,

I had purposed to speak with you on the subject of a female warder in the jail, - but it escaped my memory the last two times I have been in Tokio.

As a matter of fact, I have found it impracticable to do anything other than make use of the wife of Mr. Hodges, the Constable-Gaoler and warder. She has been in constant attendance on Mrs. Carew ever since her first incarceration, on Novr. 18th; and has been doing everything required in the matter of looking after her.

As you know, Mr. Hodges is constantly employed in the Shipping Office here; and as he is thus away from the jail all day, except in the lunch hour, he has to rely a good deal on his wife, at any time, in looking after food arrangements & the like in connection with the jail. I do not wish to say more about this now; but I think Mrs. Hodges might well be recognized as female warder from Nov. 18th, and be compensated accordingly. She is willing to be so appointed, and so be under directions, in a recognized manner.

There has been, and is, a good deal to do in connection with Mrs. Carew's confinement there. She has, of course, to be kept apart, and fed at other times from the male prisoners; and our jail is ill fitted to confine female prisoners, at best.

Would you think that remuneration at the rate of \$40 a month would be too much to give her. One male turnkey gets \$60, and the other \$50. I would, of course, write you officially asking for sanction; but would like to arrive at an understanding of what was to be done, - and afford [i.e. give] you any further explanations, privately, beforehand.

I am,

Yours very truly,

James Troup

129. Troup to Satow

Private

Feb. 5. 1897.

My dear Satow,

I think that, after what I said when I last saw you, I need not do more than refer to Longford's letter about an assistant.⁷⁰ I could not ask him to treat as a secret what I told him of my experience at Nagasaki; but I am not anxious to be "quoted".

I found, unexpectedly, that the matter of the book conveyed into the cell by a warder was brought to my notice in Court today. It had no business in Court; but being mentioned by Mr. [George] Scidmore, he thus compelled me to make a statement about it.⁷¹ Miss Jacob had asked for books to read, and the warder had given her two of his own, - one a religious book, and the other the "Romance of Two Worlds"(!) which he looked upon as a religious book also! It was undoubtedly the purest accident that that book was one given her.

The other part of the rumour is absolutely without foundation. I don't think it possible to trace the wild rumours which seem to be rife at present.

Yours very truly,

James Troup

⁷⁰ See Volume One of this book, pp. 484-486 (Longford to Satow, February 1, 1897, No. 48, PRO 30/33 5/10). See also Satow's diary entry for February 13th, in which Thomas Blake Glover visits Satow: "He [Glover] also said Longford had asked him whether the work of the Consulate required an assistant. He inquired whom I was going to send down. Tho' this was rather indiscreet on his part, I replied that I had no one to send and had given a promise to sanction the employment of a clerk. Glover talked also about the 'dignity' of a consul, so I told him I thought it unnecessary to have an assistant simply that a consul might sit in a back room and do nothing. As for 'drudgery', I knew from personal experience what that was, for I had been left alone at Fez for a whole month, and appeals of that kind did not excite my sympathy. L. had been so long at the Legation doing nothing that he thought any work 'drudgery'." (Ruxton, 2003, p. 161)

⁷¹ See Molly Whittington-Egan, *Murder On the Bluff*, p. 175: "Counsel [Scidmore] went on to complain [to Assistant Judge and Governor of the Gaol James Troup] about a coincidence which had greatly upset his client. When Mary Jacob had been released on bail, and had gone to the gaol to remove her personal effects, she had found in her cell a copy of a book with unfortunate associations - Marie Corelli's *A Romance of Two Worlds*."

Marie Corelli (real name Mary Mackay, 1855-1924) was a British novelist at the zenith of her fame in the 1890s. The book is described by Whittington-Egan as "not so much a Gothic fantasy as an early specimen of science fiction," and refers in one place to "murderous women".

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

130. Troup to Satow

Private

Yokohama,

Feb. 15. 1897.

My dear Satow,

Thank you for your note of today.

I had heard that there was such a document as you tell me has been forwarded to you, in course of preparation; but was unaware of the points mentioned in it.

I would prefer that Mowat see it, rather than see it myself, - for his observations. But, if I am called upon to offer explanation on any points, I am ready to do so. Perhaps Mowat may ask me to explain any of the points raised.

Yours very truly,

James Troup

131. Troup to Satow

Feb. 15.

My dear Satow,

I perhaps ought to let you know that I have been out of sorts since last night. I hope, however, to be all right again soon.

I am afraid I have felt the extra strain caused by the excitement of the last few weeks, and have been trying to do too much. It is so difficult to judge for myself on this. I had recourse to [Dr.] Wheeler this morning. ⁷²

Yours very truly,

James Troup

⁷² On February 23rd Satow wrote in a private letter to F.V. Dickins: "To come down to sublunar things, you will not have had the patience to read the Carew trial. In the verbatim reports it forms an octavo volume of a few hundred pages. The only person unconcerned was the prisoner [Edith Carew]. Mowat and Troup and Wilkinson were quite worn out by the long tension of feeling. You can imagine what it must be for a man for the first time in his life to pronounce a sentence of death: Just say the words out loud [as Judge Mowat did on February 1, 1897] and see how you feel them. And for the whole community who knew both the poisoned and the poisoner, and dined, played, walked, bicycled, danced with one or the other. The cases we read in papers are no more to us than a story out of a book, but here is some one out of their own daily life. It was horrible. For me I had the comfort of never having seen her before the trial, and him I had seen but [i.e. only] twice. But it was a great relief that a way could be found out of issuing a warrant for execution." (I. Ruxton, ed., *Sir Ernest Satow's Private Letters to W.G. Aston and F.V. Dickins*, 2008, p. 220; PRO 30/33 11/6)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

132. Troup to Satow

Feb. 16th

My dear Satow,

Some time ago you asked me if I could find out what was being done about the German-Japanese Tariff. I have not had an opportunity of seeing Schmidt-Leda for some time; but today I had an opportunity of seeing Nishiyama, the appraiser of Customs here; who was on the Anglo-Japse. Commission, and is now on the German-Japse.

He tells me they hope to finish by the end of March, he thinks. He seemed not to care to say what was being done. Besides Schmidt-Leda, the other German Commissioner is Weipert.

You mentioned, I think, when we were talking about this, that a reduction might be obtained by the Germans, not merely on a lower basis of charges, but on a lower valuation (lower values) of articles (prime cost). I think, however, the German Treaty or Protocol agrees to take the same six months' values as a basis which we did, - i.e. the 1st six months of 1894. I have not the German Protocol beside me to verify this; but I think it is so.

Nishiyama says the Franco-Japanese Tariff will not take long. It is a short one.

Schmidt-Leda does not work out details, I understand, as Gubbins & I did. One of the German merchants here, I believe, is doing this for them.

Nishiyama says the Finance Dept. are anxious to get their Statutory Tariff thro' the Diet. He seemed to think I need not wait for the German & Franco-Japse. Tariffs.

Yours very truly,

James Troup

133. Troup to Satow

Yokohama,

Feb. 19. 1897.

My dear Satow,

I have seen both [Crown Prosecutor Henry Charles] Litchfield and [Mary Jacob's Counsel George] Scidmore on the subject of expenditure & fees in the Carew case.

As to Mr. Scidmore, he informs me that, while a legal practitioner admitted to practice in this Court, he is also an officer of the U.S. Govt., and as such he is not at liberty to accept a fee for defending an accused person at the request of the Br. Crown. He says he informed [Hiram Shaw] Wilkinson to this effect; but I did not know it until today, - neither did Litchfield.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

The printing is to be paid, I understand, one half by the prosecution & one half by the defence, - by agreement.

The photographs were at first to have been paid for in the same way; but I understand [Edith Carew's Counsel John Frederic] Lowder subsequently drew back, after a certain number had been got.

There is also a question about the paying of the special interpreter. I think Litchfield will explain about this and the photos.

The special interpreter payment I fancy must remain to be settled after the Judge's return. I was really not in that, nor in the printing & photogr. matter. Litchfield & [Head Clerk in the Court for Japan Charles Davis] Moss have given the explanation I now give you.

Yours very truly,

James Troup

I have settled with Litchfield the principle as to how the expenses of medical witnesses are to be charged. His own fee at the Inquest & Prelim[inarie]s. will be for the Crown, (Legn.) also Hall's travelling. Wilkinson's fees L. does not know.

134. Troup to Satow

Feb. 20th

My dear Satow,

I am much more fit today, thank you; - I shall only take the forenoon in the office for a few days, unless obliged to do otherwise, and I have no doubt I shall soon be all right again. I might, when Mowat comes back, take advantage of your kindness and come up for a few days.

I do not care to go into the country at present. Perhaps, if I get trade matters well forward by April, I might take a few days then, - and go down to Kobe to meet my people & return with them. They are due at Yokohama on Apr. 21st, - leaving London on Saturday next.

Yours Sincerely,

James Troup

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

135. Troup to Satow

Yokohama,

Feb. 22. 1897.

My dear Satow,

I think the enclosed must be the despatch to which you refer. You will see that it has not been opened.

I have opened your official to Mowat, received today, about the Carew case; and I have set the copy in hand of the Judges' Minutes. Wileman had commenced a copy, but it was stopped when the commutation [of Mrs. Carew's sentence] was made, I believe. At least only three sheets are done. It is a very long record, - and although [Charles D.] Moss has now started in, and will be succeeded by [Acting Registrar Arthur Morrison] Chalmers when he is tired. I have doubts whether it can all be done in time for the Can[adian?]. mail. But we will do our best.

Yours very truly,

James Troup

136. Troup to Satow

Yokohama,

Feb. 22. 1897.

Dear Sir Ernest,

The Mayor of Darwin, Mr. Carus, has called upon me, and asked to be introduced to some of the cotton-spinning and -weaving establishments in Tokio.

I might be able to get him introductions through some of our houses here, - or correspondents in Tokio; but I am not actually acquainted myself with any of the cotton mill people in Tokio.

I have therefore, - as Mr. Carus would prefer this course, - thought of Mr. Lay, - who as Vice Consul may be able to get him introductions; and who, in any case, knows about factories in Tokio.

Instead of writing to Mr. Lay, however, I give Mr. Carus this for yourself; as I have no doubt you will like to see him, - and perhaps will put him into communication with Mr. Lay. ⁷³

I am,

Yours very truly,

⁷³ Satow's diary for February 23, 1897 reads: "Mr Alexander Carus, Mayor of Darwin passing through came to ask for information about cotton spinning mills. Gave him a letter to Kaneko. He had been only five hours at Kōbe, and did not visit the Osaka mills." (Ruxton, 2003, p. 165).

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/1. August 1895-February 1897.)

James Troup

137. Troup to Satow

Private

Monday

Feb. 22.

My dear Satow,

I have just received your private letter of yesterday, and thank you for letting me know. The despp. [despatches] addressed to Mowat which have come back from the Legation, c/o Consulate, and sealed, I have not opened. They remain in my hands to await his return, - as I think they are marked (I have them in my office, & am now writing this from my room at No. 3.)

I open only such as are clearly on current official work, & not "to await return".

Yours very truly,

James Troup

I believe Mowat returns by the "Empress". That will be about the 25th, I think.

[End of PRO 30/33 6/1]

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

Satow Papers: PRO 30/33 6/2

**Correspondence and Papers (private). Japanese mission. Consular Staff.
Yokohama: James Troup, Ralph Forster. (February 1897-November 1898) ¹**

1. Troup to Satow

Yokohama,

Feb. 23. 1897.

My dear Satow,

I am very sorry to hear about Mowat.

In his last note to me, which is written from Nagasaki, & dated the 16th, he says:-
“We leave this (Nagasaki) on Monday aftn. by the ‘Empress’, and Kobe on Weds. noon, I suppose. I shall be very glad to get back. I’m out of sorts &c.” Of course he must have changed his mind about leaving Nagasaki on Monday, if his telegram to you was from there.

Yours very truly,

James Troup.

I enclose another cover which came from you for him, - marked “to await arrival”, - & which I have not opened. I do not know whether it is one of the official series?

J.T.

2. Troup to Satow

Yokohama,

Feb.24.1897.

My dear Satow,

As I suppose Mowat may not be able for some time to give you his observations on the memorial which you showed me last Saturday, I would like to see a copy of it for a day or two, to assist my memory as to the points raised. ²

¹ Note: Checked pp.73-76 and p. 264, p. 274 in the original file at National Archives, Kew (11 March 2010).

² The memorial was apparently signed by some Yokohama residents against Troup regarding his conduct as judge of the Jacob case. Satow’s diary entries read:

“Troup came up to lunch, and afterwards went into the charge against Miss Jacob [nursery governess of the Carews’ children, charged by J.F. Lowder with the murder of Mr. Carew]. He had been thinking it over, and had come to the conclusion that he had committed an error in allowing himself to be influenced by Lowder in issuing a warrant on the Sunday, and wished to place his resignation in my hands. He was very much agitated, and I said that was not in the least necessary. Though the result had shown that it was unnecessary, yet at the time he had good reason to believe Lowder’s representations to be well-founded. As to the carrying off of Miss J’s papers by Lowder, that seems from Troup’s account to have been a misunderstanding

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

I wish to put on paper for you my explanations on those points.

Yours very truly,

James Troup.

3. Troup to Satow

Yokohama,

Feb. 25. 1897.

My dear Satow,

Thank you for your note of today and inclosures.

There is nothing at present in the Court which I cannot, I think, manage. Of course the Court business more or less takes up my time to the exclusion of Trade Report work. But we can do without a Judge for the moment. I can, I think, keep evildoers in restraint; and all civil matters not pressing can wait.

Small-pox in Yokohama:- was at its worst for 2 or 3 weeks in Jany. – about Jan. 18th, - 15 or 16 cases a day. Up to 22 Feb. only one or two cases a-day, in Yokohama.

In Kanagawa Ken [prefecture] there were 7 or 8 cases. But, the day before yesterday the rate had risen, in Yokohama, to 5 or 6 cases a-day.

Yours very truly,

James Troup.

4. Troup to Satow

Private

Yokohama,

Feb. 26. 1897.

My dear Satow,

I enclose you draft of the observations which I think of making on the memorial of the residents. I shall be glad to know if you think it is full enough. Of course it should be read along with the published record of the Jacob case.

of [consular policeman and jailer George] Hodges, of which Lowder took advantage. I kept Troup to dine and sleep. Showed him the documents.” (Saturday, February 20, 1897);

“Dodds, J. A. Fraser and W.B. Walter came up as a deputation about Troup to ask me not to send the memorial home, but to deal with the matter myself. He [Dodds] read a letter from himself and Fraser to the signatories of the memo which all but seven had agreed to, and then I read some notes I had made. Some desultory conversation followed. They were under a wrong impression at one point. I heard after that they were very dissatisfied, I had said too much to them, and they did not know what reply they could give to their constituents. If they had known I was going to do this, they would never have come !” (March 19). (Ruxton, 2003, pp. 164, 171)

See also letter no. 13 below, in which Satow advises Troup in advance of the meeting.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

I have not sent the inclosure which I mention, - i.e. the copy of the telegram which Lowder showed me. I took a copy of it later, and have got the copy in my box. I don't want to be guilty of libel; but I cannot fully explain the position without showing the contents of this telegram. It is about Miss Jacob's (alleged) character and antecedents.

I am returning you the desp. to Mowat. He cannot take notice of it of course for some time; and under these circumstances I am not sure if you wish me to file it in the Court records.

Yours very truly,
James Troup.

5. Troup to Satow

Feb.27/97.

My dear Satow,

Alluding further to the subject of your note of the 25th, in wh. you ask me whether there is anything pressing at Yokohama wh. would require a Judge. - I have today had an applicn. from Mr. [Ambrose Berry] Walford ³ to set down a civil suit for Hearing, - in which he is Counsel for the Plaintiff. I could take it, - but my time wd. become very much taken up with Ct. work if I undertook all cases. I am dealing with such things as deceased people's estates, administrn., &c. as they arise.

I have induced Walford to wait, on the promise that he will have a Judge, or Acting Judge, here towards the end of the month. He had heard that Mowat had quite broken down, & would not be here for two months; & had heard nothing about an Actg. Judge. He therefore wished to bring on his case, as his clients would not wait for a long period.

As I write, I have got a telegram from Mowat saying [Head Clerk of Yokohama Court Charles Davis] Moss may be wanted to go to Nagasaki by Tuesday's St[eame]r. If so Mowat says he will telegraph "Moss Wanted." from Shanghai on Monday.

I conclude from this that Mowat is in Nagasaki today, but expects to be in Shanghai on Monday. - I suppose that, if Mowat is unable to come back here by the latter part of March, [H.S.] Wilkinson will have to be asked to come on here when he has finished with Nagasaki. Of course I cannot go on alone for a long time.

The difficulty about appointing Walford Act[in]g Judge would be that he is likely to be Counsel in cases coming forward.

³ "[Lowder's junior in the Carew case Ambrose Berry] Walford, born in 1857, was the only son of John Berry Walford, of Abergavenny. He was called to the Bar (Lincoln's Inn) in 1883, and practised in Yokohama from 1889 to 1900." (Molly Whittington-Egan, *Murder on the Bluff*, p. 84) He returned to England in 1900 to practise on the Oxford circuit, married in 1907 and died in 1940. (p. 214).

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

Yours very truly,
James Troup.

6. Troup to Satow

Private.

2nd note.

Feb.27/97.

6 p.m.

My dear Satow,

This forenoon I wrote you a note wh. goes forward by the same messenger as this does.

You ask me if I can spare [C.D.] Moss. At present M. is engaged in copying the exhibits in the Carew case, while Chalmers is on the Judges' notes. Moss is trying to finish the exhibits, before Tuesday, - so as to set him free of that if he is called to Nagasaki. Of course this leaves me with only [Acting Registrar in the Court Arthur Morison] Chalmers ⁴ in the Ct. He is very good; but if urgent business (like an Inquest or anything) were arising here, Moss' absence would perhaps delay the finishing of the record. Still, I have [2nd assistant John Baptist] Rentiers ⁵ to impress into the Ct. service, in an emergency. I can't well spare [Acting Consul-General Ralph G.E.] Forster for that. On the whole I think I can let Moss go. I must, if Mowat telegraphs for him, I suppose.

If you send Wilkinson's act[in]g appointment to my care, I can give it to Moss if he goes; and if not I can post it at once for Nagasaki.

I have opened your official to Mowat, which informs him that you have appointed Wilkinson to act for him. I shall not forward this to Mowat, I think, as he will be in S'hai, probably. Do you wish me to forward it.

⁴ Arthur Morison Chalmers (1862-1949). Student Interpreter in Japan, 1882. Promoted to 2nd Assistant, 1887. Acting Consul at Hakodate in 1895 and 1896. Promoted to 1st Assistant, August 8, 1896. Acting Vice-Consul at Hiogo, 1896. Acting Registrar in the Court at Yokohama, 1897 and 1898. Acting Consul in Hakodate in 1899 and 1900. Consul for Shimonoseki, 1903; Tamsui, 1904; Nagasaki, 1909. Consul-General for Korea, 1912. Consul-General at Yokohama, 1914-20. Made a C.M.G., 1917. Retired on a pension, 1920. [from F.O. List, 1951].

⁵ Rentiers, John Baptist (1867-1930). Appointed Student Interpreter in Japan, 1888. At Yokohama [List of 1884]. Promoted to 2nd Assistant, August 8, 1896; 1st Assistant, August 10, 1898. Pro-Consul at Nagasaki, 1899-1901. Called to Bar (Middle Temple), 1902. Acting Vice-Consul at Kobe, 1903-4. Acting Consul, 1906-7. Promoted to Consul at Tamsui, November 17, 1909. Transferred to Honolulu, February 1913. Nagasaki, 1914. Acting Consul-General at Manila, 1914. Promoted to Consul-General for the Philippines to reside in Manila, January 26, 1915. Retired on a pension, January 11, 1920. Died at Bournemouth, November 23, 1930. [from F.O. List, 1931]

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Regarding Singapore and Quarantine, - I can easily warn all Brit. ships clearing here of the fact; but I cannot afford to advertise it. My contingency allowance has been eaten up during the first three quarters of this financial year.

Yours very truly,

James Troup.

I am going to Dzushi [Zushi, a seaside resort between Kamakura and Hayama 逗子] by the 10 a.m. train tomorrow; but shall be back in the evening.

7. Troup to Satow

Yokohama,

Mar. 4. 1897.

My dear Satow,

I enclose, in original, a letter which I have received from Mr. [John C.] Budd of the Chart[ere]d Bank regarding the proposed legislation of the Japanese Govt. on the subject of the coinage.

It would seem, I think, that the charge for coinage will have to be agreed to by the Treaty Powers; or, at least, they will have the right to demand that it be submitted to them.

Further, if the Japse. Govt. adopt a gold standard, no doubt the question will arise, what intrinsic value in gold will have to be given for silver bullion or coins brought to the mint.

I presume the foreigners will say the market value of the silver, stated in gold. This would interfere with the Japse. Govt. fixing their ratio between gold and silver (if they mean to fix one).

I do not see that I can reply to Budd, without submitting the matter to you. Would it not be desirable that I submitted the question to you officially?

Please return the inclosure.

Yours very truly,

James Troup

8. Troup to Satow

Yokohama,

Mar. 4. 1897.

The Record in the Carew case is now being got ready to send by this evening's messenger – under covering despatch from me.

I observe that in your desp. to Mowat you state that the F.O. have called for a report

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on all the circumstances connected with the Carew case. I do not know whether you consider the Jacob case such a circumstance; but I would think it was. Might I suggest that the printed record of the "Gazette" would include all. Of course, it is not exactly complete; but it gives more than the written record which I now send officially.

Chalmers reminds me that there is one number wanting in the consecutive nos. of despp. from the Legn. to the Court. That is, of course, the desp. to Mowat enclosing the memorial which was returned. If it is not to be sent to the Court officially, perhaps you can cause a memo. to be sent to me or to Chalmers, saying how the nos. of despp. are to be amended.

Yours very truly,
James Troup

9. Troup to Satow

Yokohama,

Mar. 5. 1897.

My dear Satow,

I see some movement is being made elsewhere about the Queen's 60th Anniversary.⁶ Would it not be well to make some move here? I have thought that, perhaps, the British residents of Tokio and Yokohama might be invited to meet in the Courtroom here, to discuss what should be done, - with yourself in the chair.

Would the invitation properly come from me? - if you think such a course a good one.

I would suggest next Saty. (the 13th) in the afternoon; and it could be called by Advt. a few days beforehand.

My wife's Str. has been put forward, and I expect her & our little girl here on 5th April. I shall have enough to do to get into my house before they come.

Yours very truly,

⁶ Satow was away from Japan from May 7 to November 21, 1897. He went back to England for the Diamond Jubilee of Queen Victoria and was there from June 4 to October 20th. The Jubilee celebrations were held at St. Paul's Cathedral on June 22nd. (See Satow's diary.)

On June 25, 1897 chargé d'affaires Gerard Lowther wrote from Tokyo to tell Satow that "the Jubilee Celebrations passed off very well." (PRO 30/33 5/5; Volume One p. 185).

See also Satow to Salisbury, April 1, 1897 (PRO 30/33 14/9) in which he refers to Ōkuma Shigenobu speaking of Japanese dissatisfaction about the reception of Prince Komatsu at the Golden Jubilee ten years previously, and expresses the view that he (Satow) should nevertheless encourage them to send an envoy to the Diamond Jubilee. Also Satow refers to Ōkuma's support of Britain when he spoke to Emperor Meiji.

James Troup

10. Troup to Satow

Yokohama,

Mar. 8. 1897.

My dear Satow,

I enclose a rough draft of the reply wh. I wd. propose to give to Budd. Of course it must necessarily be your view of the bearing of treaties that I should quote to him.

I had, indeed, a notion that something later than the Austro-Hung[aria]n Treaty existed, on the subject of Mintage; but I could not find anything, - and so gave it up before writing you last on this.

I do not find any pamphlet published by the "Japan Mail" on financial administration; but I have now got at the series of articles in the "J. Mail" bearing that heading. They are in that paper for 1886, - whether republished or not, in pamphlet form, I am not able to say.

I have called Budd's attention to the articles in a private note.

From his note which I enclose, you will see that he still rather sticks to his point.

However, I think the reply in my draft, or something like it, will meet him.

The dft. I must re-write; but should be glad of your observations on it as it stands.

Yours very truly,

James Troup

Is there anything more about Mowat?

11. Troup to Satow

Private

Yokohama

Mar.9. 1897.

["ans" in Satow's handwriting]

My dear Satow,

I saw J.P. Mollison ⁷ today, and he told me he had a letter from Lady Hannen [wife of Sir N.J. Hannen ⁸] in which she says that [R.A.] Mowat is quite broken down, - so

⁷ James Pender Mollison brought and sold the first dynamite to Japan in 1879 (Meiji 12). When it was seen to be effective in mining, many Japanese firms began to sell it, starting with Shibutani Shōten in 1882. Mollison & Co. represented Nobel's Explosive Manufacturing Co. in Japan. Alfred Nobel had invented dynamite in 1867.

⁸ Sir Nicholas John Hannen was appointed Acting Deputy Judge at Yokohama on January 10, 1871 and was in charge until May 7, 1874. Appointed Crown Advocate at Shanghai, October 30,

much so as to cry when anyone speaks to him.⁹ She mentions where she is; but neither Mollison nor I could make out what the place is. The name looked to me as if it were that of some Hospital, or something of that sort.

If this is correct, - the question of an Acting Judge will become pressing. I can go on at present; but I have already put [A.B.] Walford off [see letter no. 5 above] with an application to set down a civil case for Hearing, in the hopes that Mowat might be able to take it after his return on the 24th (if he returns) – or that there would be an Actg. Judge to take it, if Mowat did not come back then.

If neither of those events is likely to take place this month, I think I had better take the case within the month as assistant judge; but I wish to say that I cannot continue long in discharge of the duties of both Court & Consulate.

You mentioned the method of appointing me Actg. Judge. I do not know how that would do just now, - for reasons which I could better mention to you verbally. And if Mowat has quite broken down, - the appointment of Acting Judge wd. be a long one; and you must have a lawyer of experience for that.

James Walter looked on on me Friday, and asked me if I knew when you were leaving for home, - whether you were going in March. I told him I did not know the date of your leaving [May 7], - but I believed he was safe in assuming you would not leave in March. He did not tell me why he asked.

Yours very truly,
James Troup

12. Satow to Troup

Dft.

Tokio

March 10. 1897.

My dear Troup,

I return herewith the d[ra]ft of your reply to Budd, with which I entirely agree, all but the last paragraph. Instead of that I would suggest your adding something like what

1878; and Judge of H.M. Court for Japan, December 21, 1881. Was Acting Chief Justice at Shanghai from November 1, 1881 to January 21, 1883. Was one of the British Delegates to the Conference at Tokio for the Revision of Treaties from December, 1886 to July, 1887. Was appointed Chief Justice of the Supreme Court for China and Japan, and Consul-General at Shanghai, April 1, 1891. Knighted by the Queen, July 18, 1895. Received the Jubilee Medal, 1897. Died April 26, 1900. [from F.O. List, 1901]

⁹ Robert Anderson Mowat retired on a pension on June 18, 1897. [F.O. List, 1921] He died at Hove on June 7, 1925. [F.O. List, 1926]

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I hinted at in my previous letter namely that if he could show that the interests and rights of the Bank which he represents would be injured by the new legislation, you would represent the matter officially to me.

I do not think it quite expedient to inquire of an individual, at least in an official letter, what he thinks on a general question, and I also should not be inclined to ask a banker about trade, as his interests are not always the same as those of merchants.

Yours sincerely,
Ernest Satow

13. Satow to Troup

Conf.

Tokio

15/3/97.

My dear Troup,

It has been decided by all the signatories of the memorial you wrote of [see letter no. 2 above and others], with the exception of four who don't count, to send a deputation to me on Friday next with the object of explaining that they do not wish the matter to pass out of my hands, and of asking me to deal with it.

I propose to tell the deputation that you have furnished me with an explanation of what happened, saying that the only motive by wch. you were actuated was the desire to be absolutely impartial, in accordance with the best traditions of English Courts of Justice, & that you could not refuse Lowder's application under the circs. after seeing the evidence he put before you. As to the 2nd point I shall say that Lowder took advantage of the Court usher, well knowing that he was not entitled to have the papers. And lastly I will tell them what happened about Lowder's remarks in withdrawing the charge, and your giving the certificate. I shall say that as things have turned out, everyone must regret that a warrant was applied for, and that no one more than yourself regrets that you were induced to issue it by representations that could not afterwards be substantiated. I shall add that you had volunteered this statement to me before you had seen the memorial and that I am convinced the British Community may always rely on the impartiality and sense of justice which animate the Asst. Judge.

Will you now send me privately the memo. you already sent me, adding to it a copy of the telegrams Lowder showed you, not to be read to the deputation, but for my own information.

I hear that one of the signatories, a quite unimportant person, in the excess of his zeal, sent a copy of the memorial to an M.P. of his acquaintance with a view to inducing him

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to asking a question in the House of Commons. I hope the M.P. will be discreet, but I think it will be well for me to send privately a copy to the P.S. of [Under Secretary of State at the F.O.] Mr. [George Nathaniel] Curzon, of all the papers connected with the memorial, so that he may have full information.

y.s.

E.S.

14. Troup to Satow

Yokohama,

Mar. 15. 1897.

My dear Satow,

I had a call from James Walter today, when he showed me your reply to the request of himself and others which they had sent to you regarding the Queen's Diamond Jubilee celebrations, - & the proposed meeting, & consider what should be done. I have consented to call the meeting, on condition that the movers send me a letter asking me to do so.

I recollect that, in Kobe, - where I was when the Queen's [Golden] Jubilee [of 1887] was celebrated, - several of the residents called upon me, and asked me to take steps. This led to my calling a meeting there.

I have suggested a letter here now, - seeing they had commenced to move by way of a written communication to you.

I shall not include Tokio, I think, in the invitation to meet; but I presume there is nothing to prevent the Yokohama meeting, by motion, extending our invitation to the Tokio Brit. residents to coöperate with them.

Jas. Walter suggested this day week, (Monday, Mar. 22.) at 3 p.m., as a good day & hour for the meeting; and I would have the Court-Room here arranged for it.

Yours very truly,

James Troup

15. Troup to Satow

Private.

Yokohama

Mar. 15. 1897.

My dear Satow,

I have to thank you for your note which I have received this evening. I now send you my notes on the memorial, - and have inserted in them a copy of Mr. Hodges'

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(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

evidence given in Court about that box. I also add a copy of the telegram.

I have not had time to have a copy of the notes made for you; but I can have this done here, if you wish it, for the mail, - if you will return the original to me. I have kept no copy of these notes.

I have another copy of the telegram.

Yours very truly,

James Troup

16. Troup to Satow

Private.

Yokohama

Mar. 20. 1897.

My dear Satow,

I have received your note of today, - enclosing the rough draft of what you said to the deputation. I am greatly indebted to you for the manner in which you have treated this matter. I need not tell you that the thing has cost me a great deal of concern, - more than scores of newspaper criticisms could have done.

As for the memorial and my memo. going to the Parliamy. Under-Secretary, - of course that has to be done; but I hardly apprehend any mischief even if a question is put. I did nothing illegal. And while regretting the minor inadvertencies, resulting in the misunderstandings fixed on in points 2 and 3 of the memorial, - I can only say they were inadvertencies or misunderstandings; and it was a time of much strain on myself, in more ways than appeared to the public.

There is just one point in your rough draft which I should have wished to have been otherwise put. On pg. 2 of the draft you say:- "...and to give every possible chance to the prisoner then undergoing her trial before Mr. Mowat." That was certainly not in my mind in acting as I did. I acted purely on the evidence submitted to me by Mr. Lowder, and his sworn charge, as directed against Miss Jacob; - not as serving as a defence of Mrs. Carew. Mr. Lowder may have had such a thing as the latter object in his mind; I can only say that I had not.

Looking at it now, - I can only say that if the bringing of the charge against Miss Jacob was meant by Mr. Lowder as a means of defending Mrs. Carew, - it was a blunder on his part. It would have been much more effective for the defence of Mrs. Carew if he had used his information about Miss Jacob, &c., in the cross-examination of Miss Jacob as a witness in the Carew case. But that does not concern my action in the case.

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I must be allowed to say that I am somewhat surprised that the signatories of the memorial should have thought it possible for me to arrest Miss Jacob without a sworn charge. As they apparently did think so, (or some of them did so) I can understand their horror of such arbitrary action:-

I return the rough draft, enclosed.

Yours sincerely,

James Troup.

I learn from Hall that Mowat is to be here in the "Empress", on the 23rd or 24th.

17. Troup to Satow

Private.

Yokohama

Mar. 23. 1897.

My dear Satow,

I have had a letter from Mowat. In case you may not have heard from him, I quote what he says about himself:- "You've heard, I suppose, of my having applied to retire? It was the only thing to do after Reid's (my Shanghai doctor's) report on my case... We return by the 'Empress', due at Yokohama on the 25th - a month earlier than the Nagasaki doctor considered prudent, but Reid sees no objection if I don't work much."

From this I would conclude that he means to resume duty here on his return.

In the event of his doing so, - do you see any objection to my running down to Kobe, to meet my people, - Forster being put in charge for the few days involved. I would give him over charge for the close of April 1st, - go to Kobe by train (if no suitable Str. offered,) so as to meet them in Kobe on the 3rd (when their Str. is due,) and be back here, with them, in their str., on the 5th or 6th. This would be leaving on a Friday, and coming back on a Monday or Tuesday.

Not only would it be pleasing for them that I met them there, - but I feel that a little change would do me good. I am a little run down.

Yours very truly,

James Troup

18. Troup to Satow

Confidential

Yokohama,

Mar. 24. 1897.

My dear Satow,

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(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

Thank you for your letter just received. Of course I shall write officially for leave, if I see it as practicable. If Mowat takes duty, Forster can manage very well on the Consular side, in charge.

As to showing Mowat the memorial, - I have no objection at all. In his letter to me which I received yesterday he says:- "By the way, I am greatly distressed to hear that some trouble has been made about the issue of the warrant agt. Miss J. Did it not occur to Satow, I wonder, to tell the memorialists that the matter in question concerned your action as A.J. and that therefore he had nothing to do with it? That would have effectually limited[?] the subject for some time, and probably for altogether." Of course I have told him that you informed the memorialists that as the matter concerned me as A.J., it was not in your hands. For the rest, I have simply said that the letter (memorial) has been withdrawn, & the thing is over. I leave it to you to show him the memorial, and my notes, as you like. I think he might see them, certainly if he mention[s] the subject to you.

As the memorial will not now be submitted to Mowat in an official despatch, I presume, - perhaps you can ask Lowther to send me the amended numbering of despp. to the Court, - for the regr.[register] of correspce. Chalmers has several times been reminding me that there is a despatch missing!

As to the question of a Consular Officer specially for the Tokio District - Mowat's notion is to keep the Provincial Court alive there. But, if the new district is made the District of the Consul Genl. for Kanagawa and its Dependencies - including Tokio-Fu, Niigata-Ken &c. &c. &c., would not H.M.'s jurisdiction within it be vested in the Court for Japan as its ordinary original jurisdiction? (C. & J.O. in C. [China & Japan Order in Council], 1878 § 6. (3).)

M. also sees objections to having Tokio & Yokoh. men on one Jury List. I pointed out to him that Kobe & Osaka men were on one Jury List, - and no practical difficulty has, I think, arisen in consequence.

Yours very truly,
James Troup

19. Troup to Satow

Mar. 30th. 1897.

My dear Satow,

I observe that the enclosed does not appoint Forster to be Actg. Assist. Judge of H.M. Court for Japan.

Mowat was very particular, on my talking with him, that he should not be left without

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an Acting Assist. Judge. I assured him that Forster was to be such, as well as Acting Consul; and I suppose it is only an oversight on the part of the person drafting the desp. [drafting the despatch] that he is not appointed A.A.J. I have no doubt that, with Mowat here, Forster will do all right in the position. I hope you will send me an amended appointment for him.

I find I must go by train to Kobe, - as there is no Str. Either on the 1st or the 2nd, - and the 3rd would be too late for me, I think.

Yours very truly,

James Troup

20. Troup to Satow

Yokohama,

Mar. 31. 1897.

My dear Satow,

I am now giving over charge to Forster, and am leaving by the 6 A.M. train tomorrow for Kobe. I mean, however, to pass the night in Kioto, - to save arriving in Kobe very late at night.

If you have occasion to send me anything by post, please address it to the care of the Kobe Consulate.

I feel very glad to get the rest and change. Only there is no steamer offering on the 1st or 2nd, as I should have liked.

Yours very truly,

James Troup

21. Ralph G.E. Forster to Satow

Yokohama.

March 31. 1897.

Dear Sir Ernest Satow,

In reply to your letter of today I am of opinion that the French Vice Consul will make no further enquiries with regard to the payment to Mrs. Mills. You may perhaps recollect that, acting under your instructions, I wrote to him that I was quite willing to agree to his suggestion that the expenses should be equally divided between the French and English and, in a second letter, that having received one moiety [half] from him I would cause the balance to be made good by the "Peacocks" when they returned to port. Although I saw him frequently afterwards, and we spoke about the fracas he never asked me if the other half had been made good. He however must have reported to his

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Admiral the arrangements arrived at and it might perhaps be awkward if, in conversation between French and English naval officers, it came out that the "Peacocks" had never been required to pay their share at all. There is one point, however, viz that since then, a new French Admiral has taken command so that the matter may die a natural death.

Your's very truly

Ralph G. E. Forster

P.S. The French Vice Consul said afterwards in conversation and quite unofficially, that he would have been happy to pay the whole amount himself in order to save trouble, but, that if he had done so, it would be tantamount to admitting that his men were solely yo blame, in which opinion he did not share. There is however no proof whatever that the half of the costs which I received from him, was really deducted from the men's pay. It may have been repaid to him privately by the Admiral himself. In any case I consider it extremely improbable that the V. Consul will ever make any more enquiries on the subject. I must say that I think the division of the expenses, as suggested by him, implied that we thought both parties were equally to blame and, as far as I recollect, in his letter proposing this arrangement, he undertook to pay half if I would undertake to cover the other half to be paid by the "Peacocks". Consequently I hardly feel justified in saying that it would be indifferent to the V. Consul where the money came from.

22. Ralph G.E. Forster to Satow

Yokohama.

April 2nd 1897.

Dear Sir Ernest Satow,

The enclosed certificates were made out on the 27th ult [last month] at the request of Mr. Johnson: several similar certificates have been made out for other parties previously but with this difference in the wording, viz. that in the former ones A.B. was described as being the duly 'authorized representative' of such and such a firm. Mr. Johnson now informs me that in view of Mr. Troup's certificate that 'he is fully empowered to act on behalf of A.B. in the matter of an application for protection of a Trademark etc.' The Japanese Authorities demand the production of his Power of Attorney. Mr. Johnson has no such document but is, I think, empowered by certain letters to apply for the Patents and he has now asked me to give him fresh certificates worded as in the previous ones. It appears somewhat strange to me that the Japanese Authorities should by demanding to see a Power of Attorney, indirectly throw doubt on the correctness of Mr. Troup's certificate and I am accordingly sending you the certificates and asking you for your

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kind advice on the subject. Mr. Johnson is leaving Yokohama on Tuesday next and is anxious to have all his applications for Patents in proper order before his departure. The two points which strike me as being somewhat beyond my powers in my acting capacity are the following:-

1. If I give a final certificate with the wording desired by Mr. Johnson, I allow the correctness of Mr. Troup's certificate to be challenged by the Japanese Authorities.
2. If I give a fresh certificate ought Mr. Johnson to pay the fee again as the first one, made out at the Consulate, was not in accordance with the requirements of the purpose for which it was intended.

I should be very much obliged if you would be so kind as to advise me on these points, as the first one especially places me in a rather awkward position vis-à-vis of Mr. Troup.

With kind regards

Your's very truly

Ralph G. E. Forster

23. Satow replies to Forster

Copy

Tokio.

April 3. 1897.

Dear Mr. Forster,

There is a notification of the Nōshōmushō [Ministry of Agriculture and Commerce 農商務省] of Nov. 20 last which provides that if anyone wish to apply for a patent or register a trade-mark or design he must appoint a deputy duly furnished with power of attorney. Also that a foreigner sending in an application must be provided with a Certificate of nationality.

You will find this in the Kwampo [Official Gazette 官報] & the Japan Mail translation of the Laws &c. relating to Patents &c.

I do not understand why the form of certificate adopted by Mr. Troup was given as it does not say anything about Mr. Johnston's [sic.] nationality. Perhaps that of the firm at home is meant in the Japanese Regulation. If Mr. Johnston has no power of attorney or document which the Japanese Autho[ritie]s. would recognize as its equivalent I am afraid he is in a hole.

By the way, the Regulation of Nov. 20 was sent home by us & published in the London Gazette of Jan. 8 so Mr. J's principals should have known.

I think that under the circs. after pointing out to Mr. Johnston that a certificate of the

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kind he asks for does not seem to correspond with the provisions of the notification & then if he still says he wants it I should give it to him.

I don't see how you can remit the fee.

Before seeing Mr. J. again I think it would be well for you to look at the notification to which I have referred.

Yours v. truly

(sd.) Ernest Satow

P.S. I return the three Certificates.

E.S.

24. Troup to Satow

Kobe,

April 5. 1897.

My dear Satow,

My people arrived here this morning in the "Japan". My wife is fairly well only, having suffered somewhat on the voyage, - but will soon be all right, I hope. Our small girl is very well.

The departure of the "Japan" from here, for Yokohama, has been postponed until Thursday at daylight, by present arrangements. This means our arriving at Yokohama about noon on Friday; - so that I would resume charge from the close of Friday. I trust it will not matter for my being a little over the week away. I feel the better of the rest and change, - & sensible [i.e. aware] that I required it.

I suppose Mowat will be arranging to give a warrant, for the conveyance of Mrs. Carew to H'Kong. I told Forster about this before I left. Of course, I shall, if all is well, be back before her P. & O. str. goes; but Forster knows that Constable Kircher is to accompany her; & I shall write him again to tell Kircher, in time for his own preparations, to be ready to go, - of course after consultation with the Judge.

I don't think there is anything else calling for my special attention. I trust all goes well.

Yours sincerely,

James Troup

25. Troup to Satow

Yokohama,

April 13. 1897.

My dear Satow,

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

I asked privately for the Instruction Book of the Metropolitan Police, in consequence of a request which I had, privately, from the Chief of the Kanagawa Prefectural Police some time ago. Indeed, he had asked me to get him such before I went on home leave, - or rather just as I was leaving; but it quite escaped my recollection when I was at home; & on coming back, when reminded of my promise to try to get something of the sort when I was at home, - I had to confess my forgetfulness; - and promised to write about it.

The object of the request was that the Chief of the Prefectural Police might know something of how police affairs were managed in England, - with a view to the coming change in the relations between the Police & Foreigners here, under the new treaties.

Of course, the Chief of the Prefectural Police here is subordinate to the Prefect:- although in his own Department he is the responsible head.

As your instructions are to give it only to the Chief of Police, - I do not see how you can do otherwise than as you say. You cannot give it to the Chief of the Tokio Police, - or whoever is the Chief Police Authy. in the Country, unless he asks for it. It might, perhaps, be worthwhile to keep it until I informed the Chief of Prefectural Police here how the matter stands - if you think there is no objection.

Perhaps the Instructions might be worthwhile for the Chief Police Authy. to see, for his personal information; & the local man here might care to tender a suggestion to the Chief on the subject.

Yours very truly,
James Troup

26. Troup to Satow

Yokohama,

April 13. 1897.

My dear Satow,

Forster has just now asked me if he can have about five days' holiday, - from tomorrow (Wed?) week, - in order to go to Kioto & Kobe, to meet his fiancée, who, with her mother, is coming up from Nagasaki.

I would like to oblige Forster, - but the time he mentions is exactly the time, I think, for which my wife and I have accepted your kind invitation to visit the Legation. I have asked him whether he cannot put it off; - but, it seems there are difficulties in the way.

It would be better if Forster were here when I was going daily between Tokio and here.

Would it be inconvenient for you if we were to put off our visit for a week? - That

would see Forster back. I have asked him to wait for my reply until I have heard from you.¹⁰

Yours very truly,
James Troup

27. Troup to Satow

Yokohama,

April 17. 1897.

My dear Satow,

I had not read the article in the “Advertiser” before I got your note. (We cannot afford to take all the papers, - & I had not looked at it in the Club.) I have read it since.

On investigation, I find that the account of how Mrs. Carew is treated, according to that article, can be traced to a Spanish prisoner named Garcia who was recently confined in the gaol for stabbing a British subject. He inspired, I believe, an article in the “Box of Curios”, - the English papers not listening to him, - on this subject; and I understand that he has got the “Boyeki” [*Boeki Shinbun*, “Trade Newspaper” 貿易新聞] to listen to him. In this shape it has got into the “Advertiser”.

The paragraph contains a great deal of what is perfectly correct; but all of it is not so; and the inferences intended by the article to be drawn from Mrs. Carew’s treatment are wholly unwarranted.

Mrs. Carew has, I am satisfied, been, since her conviction, verging on becoming a lunatic. Dr. [Neil Gordon] Munro has been in attendance on her (although not seeing her often.) She will not see Dr. [Edwin] Wheeler, - as she has a great aversion to him, on account, no doubt, of his having given evidence against her at the trial. Dr. Munro looks upon her as not unlikely to become a maniac at any moment, if placed under severe treatment. Mr. [George] Hodges, as keeper of the gaol, I also rely on very much for my view of the case. He is observant, and careful in the treatment of prisoners, - while also vigilant in the matter of gaol discipline.

Referring to the points in the article, - She has a large cell (not the largest) in the gaol, all to herself. She is allowed to wear her own dress, and has not had her hair cut. Her room was furnished with her own furniture so far as a bedstead and a few comforts are concerned, when she was committed by me for trial; - and I have not thought it expedient to alter that, - for the reason above stated – on her conviction, or since. Since her conviction she has seen, I think, four ladies only, (I write from memory) – each one

¹⁰ Troup, his wife and their little girl went up to stay with Satow at the Legation in Tokyo on April 22nd and returned to Yokohama on April 26th (Satow’s diary, Ruxton, 2003, pp. 177, 178).

once only, for a limited time and in the presence of a warder. She has seen none for some time now. This, I believe, is in accordance with gaol practice in England, where a prisoner may see the same visitor once, I believe, in six months' only. She has also seen Mr. Lowder since her conviction, - Dr. Munro I have mentioned, - Rev. E. C. Irwine, Rev. W.P. Buncombe, of Tokio. The only persons who have now standing orders to see her are Dr. Munro and the Rev. E.C. Irwine; I believe she refuses to see Mr. Irwine more. Two days ago I gave Mr. Lowder an order to see her once; but up to this morning he had not availed himself of it. She has asked to see him, and he asked me for the order of admission. I have not objected to her having flowers in her room, nor any book which she may have had there before. Prisoners are all allowed to receive books approved by the Keeper, under a general instruction from me. She goes to a warder's room while her cell is being cleaned. For breakfast she has usually a raw egg beat up in brandy. She eats very little. She has such food as she will take, similar to what is used in the gaoler's family, and is allowed stout. She is allowed a light up to 9 p.m. in her cell, but not later.

I inspect the gaol from time to time; and hear a special report on the prisoners from Mr. Hodges, as Keeper, on the first Monday of each Month. I have, however, not seen Mrs. Carew personally since reading to her your order for the commutation of her sentence. I have thought it better not to see her myself, as I knew her personally before her imprisonment. I have almost daily reports on her from Mr. Hodges.

I may state that I have further knowledge of her state of mind from reading her letters which have been allowed to pass out of the gaol, open. I have, until recently, allowed her to send letters to England unopened. Now, I allow nothing to pass out closed, whether locally or for the post for England.

I have sanctioned the above treatment of her in view of her mental condition; and because the arrangements of the gaol are not suited for the lengthy confinement of a prisoner of the delicate constitution of a woman of her class and type. I am quite of opinion, that the choice has lain between treating her in an indulgent manner while she is here, - or having her as a maniac on my hands.

I am,

Yours very truly,

James Troup

This morning I found a copy of the "Boyeki Shinbun" [Trade Newspaper] on my desk, - come by post, and, I presume, sent me from the office of that paper, - containing the article translated in the "Advertiser".

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28. Troup to Satow

British Consulate,

Yokohama

April 26. 1897.

My dear Satow,

We got back to Yokohama quite comfortably at about ten o'clock. My wife has several times expressed to me how much she has enjoyed the visit, - & for her Beatrice & myself I send you best thanks for all your kindness.

The Chief of Police here is a friend of the Metropolitan Chief of Police (Tokio) and will suggest to the latter to apply to you for the Regulations (Instructions) which reached you from London.

Yours Sincerely,

James Troup

29. Troup to Satow

Apr. 27/1887.

My dear Satow,

For your convenience in dealing with my official [despatch] about the gaol victualling, - I now send you a copy of the existing Gaol Regul[at]ions. May I ask to have it returned?

Yours very truly,

James Troup

30. Troup to Satow

Yokohama,

Apr. 30. 1897.

My dear Satow,

I am preparing a draft to amend Clauses 31 & 32 of the Prison Regulns, and hope to send it to you tomorrow. I purpose sending it to Mowat this evening for revision, before forwarding it to you. I do not think it is necessary to re-enact the other Clauses of the present Regulns., but merely to repeal the present Nos. 31 & 32, & make new Clauses in their place.

I would propose that the amended Regulns. be dated by you to-day, and be made "urgent", - i.e. to come into force "forthwith" (in the Regn.). Neither Mowat nor I think that the new Regulns. can be made retrospective; so that it wd. not do to say they were to have force from April 1st, in the new Regulns. themselves. You might, however, say

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in the covering desp. sending them to me, that they were intended to cover the month of April. As a matter of fact the Keeper is not paid for victualling the gaol until Quarter-day: so that the word “forthwith” would practically meet the case. To make it clear, however, that April is to be included, I would suggest that this be mentioned in one desp.

Yours very truly,
James Troup

31. Troup to Satow

Yokohama,

May 1. 1897.

My dear Satow,

I said to you in my note of yesterday that I was drafting new clauses Nos. 31 & 32 of the Prison Regulns., and was sending the draft to Mowat, for his criticism & amendments, before transmitting it to you.

I now enclose my draft of the new clauses, - and two pencil notes by Mowat, containing his criticisms. The words in the dft. which are written in black ink are my original dft.; - in deference to M’s criticisms I would suggest that the portions enclosed in brackets [] be left out, and the words written in red ink be inserted, - provided you think that way the better.

You will notice that M. thinks the Minr. has no power to “repeal or alter” regulations made under the O. in C. [Order in Council] of 1881. Anything enacted under that order is, I suppose, like the laws of the Medes & Persians.¹¹ If the Prison Regulns. had been made under in[?] O. in C. 1865 then Art. 11 of the O. in C. 1881 gives the power to repeal or alter. I cannot say that I share this view. I presume the same power which can enact Regulns. can (without its being specifically provided in the O. in C.) make new Regulns. in place of old ones, - repealing the old.

As to Mowat’s view that the scale of charges should never have been included in the Prison Regulns. I have written to him to the effect that I know of no reason why this should have been included unless that a good many (perhaps the majority) of our prisoners here have to pay their own charges in prison. By a Board of Trade instruction, seamen committed to prison in the Far East have to pay their own charges there (if they have money) when they are sent to prison on a summary conviction and

¹¹ See King James Bible: “Then these men assembled unto the king, and said unto the king, Know, O king, that the law of the Medes and Persians is, That no decree nor statute which the king establisheth may be changed.” (Book of Daniel Chapter 6 Verse 15.)

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not under indictment. That the scale of charges forms part of the Prison Regulns. gives those charges a more binding effect for the above purpose than if they were made merely under an ordinary sanction. As far as Crown prisoners go, - of course a mere sanction for what is to be paid by the Crown for their subsistence in prison would, I think, be sufficient. But as the present charges have already been made and fixed under Regulns. of the Minister, and the Secretary of State's sanction, - I do not see how they can now be altered unless by similar new Regulns. (clauses of Regns.)

I enclose also a slip which I have used as a kind of guide in drafting these amended clauses. It refers to the same Regulations; but perhaps you would like to see what was done in that case.

Please return me the slip, as it belongs to Mowat, - and the copy of the Prison Regulations which I sent you, - when you have finished with them.

It is our last copy but one of the Regulns.

Yours very truly,

James Troup

[pp. 73-76 – letters 32 & 33 in pencil – very faint – original checked at Kew, 11 March 2010]

32. R.A. Mowat to Troup

Friday 2nd

Dear T.,

I don't think the M. [Minister] has power to "repeal or alter" (Art. 10 of O. in C.) any of these Regns. – because they were not "made under the C. & F. O in C. of 1865 or under any prior like authority." The first authority for the making of P. Regns. is the O. of 1881.

If you see any[?] way past that difficulty, then the draft might be shortened a good deal by omitting the preamble. But surely it can't be necessary to have all the formality of a Regn., its being declared urgent, & sending it home to the F.O. – when the sum total of the whole business is to authorise you, as the Govr. of the jail, to disburse out of Govt. moneys a somewhat larger sum for the maintenance of prisoners.

The fact is that No. 31 & 32 are not Regulations at all "for the Governance, visitation" &c. of the jail, & ought not to have been included.

I return all the docts.,

Yours,

R.A.M.

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33. Mowat to Troup

Sat'y night.

Dear T.,

When I wrote last night that the Regns. 31 & 32 were not properly Regns., I had in mind of course the question of rates – which was the matter in hand. There was, I think, in one of them some dietary scale referred to: that in a different matter. But the amounts the Govt. pays its officers for finding provisions is no more a question of governance of the jail than the wages it pays its turnkeys. These are alike departmental matters, & don't find a plan [place?] I shld. say, in Prison Regulations anywhere.

Yours,

R.A. Mowat

34. Troup to Satow

British Consulate,

Yokohama

June 17. 1897. [Ans. = Answered by Satow]

My dear Satow,

I received your letter sent back by the hands of Capt. Marshall, - along with Kean's manual. You must have enjoyed the voyage across the Pacific, after the time of somewhat high pressure which you had before leaving Japan.

I may tell you that I had recently an opportunity of talking with [Henry] Tennant¹² - the Editor of the "Gazette" - and took advantage of what seemed to me a chance of mentioning to him the subject which we talked about on one occasion in Tokio. He will, I think, call upon you on your return. I said I thought there could "be money" in the publication of the Japanese [legal] codes in English. The occasion of my seeing him was in connection with a subscription which he (at [Reverend E.C.] Irwine's instigation) had started for the assistance of certain men from S. Africa who had, strangely enough, migrated from there to Japan in the hopes of getting higher wages here! Lowther is, I fancy, reporting the matter to the F.O. by this mail.

Tennant, in talking about his paper, said he tried to steer an impartial or middle course, - to serve his proprietors. As to who these are, - I am not positive – the thing is kept rather close I think;¹³ but I feel satisfied from certain indications that Litchfield

¹² Henry Tennant edited the *Hiogo News* in 1891 before joining the *Japan Gazette* in 1894. He committed suicide in July 1898. (J.E. Hoare, *Japan's Treaty Ports and Foreign Settlements*, Folkestone, Kent: Japan Library, pp. 152, 182, 183)

¹³ The owner of the *Japan Gazette* in 1895 is listed as 'Japan Gazette Publishing Co.' in Hoare,

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(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

has a good deal to do with the concern.

There seems to be a good deal of rather undefined uneasiness among the residents here, in the prospect of coming under Japanese laws & administration. Information as to the actual state of these hardly exists among foreigners here generally.

My wife sends her kind regards.

Yours Sincerely,

James Troup

You will no doubt know that Mowat goes home by this mail.

35. Ralph G.E. Forster to Lowther

[Ansd. July 4.]

Yokohama,

July 3. 1897.

Dear Mr. Lowther,

I am writing to let you know that yesterday afternoon, Kircher the Constable reported to me that gambling was going on in one of the Boatmen's rooms. I had learnt through my Japanese Teacher some time ago, that there was a lot of gambling going on in the compound and that low class Japanese were frequenting the compound for the purpose. I told Mr. Troup of this some time ago. Yesterday I thought it would be best to take decisive steps to put an end to this and I accordingly instructed Kircher to fetch a Policeman and enter the Boatman's room where the gambling was going on. I learn from Kircher that they found eleven Japanese playing cards, four of whom were arrested but seven escaped. The Superintendent of the Kaga cho Police Station informed us that among those arrested were two vagabonds well known in Yokohama. Some of the Boatmen or Servants belonging to the Consulate were in the room and I think that my action has put a stop to such practices, for the future. I had often noticed Japanese coming in and out of the compound, but it is so hard to know who have any business and who have not. I don't know if there is any reason for my reporting to you officially on the subject, but should be glad to have your opinion. [Acting Judge] Mr. [Hiram Shaw] Wilkinson who spoke to me on the subject this morning, seemed to be of opinion that it would have been better for me to wait until Mr. Troup resumes charge, before taking action in the matter. I considered however that it would be most desirable to catch the men in the act, and as I knew that gambling was going on yesterday afternoon, I took immediate steps to put an end to it. I acted to the best of my judgement as the only way to deal with Japanese in such matters is to call in the Police. I considered that

ibid. p. 182.

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a warning to the Boatmen would not have the same effect, as causing the arrest of the actual offenders on the spot.

The Consulate being temporarily in my charge, I acted as I should have done if it had been my private house. The effect produced has been most salutary and approaches have been made to me, through my teacher and my servants, that the Boatmen will give written guarantees that such things shall not occur again if I will not dismiss them.

Trusting you will consider my action in this matter satisfactory, I am,

Your's very sincerely,

Ralph G.E. Forster

36. Troup to Satow

Satow's handwriting at top of letter: "Ans. Sept. 1. To show W.A.C. [Cockerell?]"

British Consulate,

Yokohama.

July 29. 1897.

My dear Satow,

I have had some conversation privately with Wilkinson about the redistribution of Court work on which I wrote you in the end of May, - and, in particular, about my suggestion that the Consul or Consul General here should be relieved of judicial duties and the registrar appointed assistant judge. He thinks that a better arrangement would be to have, in place of the Senior Assistant in the Consulate, a Vice Consul empowered to sit in the Court as Police Magistrate, - in the same way as is, I believe, arranged in Shanghai. He has pointed out to me that there is provision in the Order in Council for the appointment to the Court of such an officer. The Consul-General would then remain Assistant Judge.

There is something to be said in favor of such an arrangement; and, in anything affecting the work of the Court, of course, the Judge should be consulted. He thinks it would be better to have a Registrar who is not Assistant Judge, - without reference to the amount of work which may have to be done by the Registrar.

This arrangement would give me Vice-Consul - who would be more ready to take responsible duties than a mere assistant can - duties apart from his proposed ones as police magistrate.

The Registrar of the Court would therefore remain Interpreter to the Court. This would probably be better than if one of my assistants were liable to be called away at any time to interpret in the Court without, in most cases, my having notice beforehand of his being required to do so.

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On the other hand there might be a difficulty as to who should be appointed Vice Consul. Being a commissioned office it would be better than the Registrarship, and should be given to the senior man who had passed his examination in Japanese.

[Arthur Morison] Chalmers would thus, I presume, be the man to come in for it. If Forster passes in Japanese, he could then be made acting registrar and interpreter to the Court, - so that there would merely be a change over between the two sides of this establishment.

I hardly suppose anything is likely to be done in such a matter as this without due deliberation; but I venture to lay the suggestion before you, privately, as one worth considering. No doubt the question of pay would also come in. I am not fond of suggesting cutting down; but perhaps the registrar-ship might be docked a little in pay, to help out with that of Vice-Consul as Police Magistrate.

[William Joseph] Kenny is, as you no doubt know, up here on sick leave. I thought him looking very poorly indeed when I saw him, just after his arrival. He has gone to Miyanoshita.¹⁴

My wife was poorly last month, but has recruited as much as we can expect in the hot weather. We have been to Dzushi, - and are going to one of Balz' [Erwin von Baelz] houses at Horiuchi¹⁵, on the sea, for a month. I can travel up and down to Yokohama by rail. I really think there is no reason why she should not improve in health, - but she will never be vigorous as she used to be.

I trust you are profiting by your leave in every way.

Yours sincerely,

James Troup

37. Troup to Chargé d'Affaires Gerard A. Lowther

Private

Yokohama

Augt. 16th.1897.

My dear Lowther,

Since I sent you my last note on the Stahlgren affair, I have learned from Mr. Gielen that he has had some Correspce. with the Prefects on the subject, which became acute, and ended by Mr. G. refusing to discuss the matter further with the Prefect.

I may say that Mr. G. came to me, this time, in effect to ask me if I thought he was

¹⁴ On Miyanoshita hill resort see Hugh Cortazzi (ed.), Mary Crawford Fraser, *A Diplomat's Wife in Japan* (New York and Tokyo: Weatherhill Inc., 1982), pp. 76-85.

¹⁵ On Dr. Baelz's cottage at Horiuchi, a seaside resort between Zushi and Hayama, see Hugh Cortazzi (ed.), Mary Crawford Fraser, *A Diplomat's Wife in Japan*, pp. 291-94.

right in his procedure. I said to him that I thought that, as the Japse. Govt. had refused to extradite Stahlgren he was right in arresting him at the request of the Danish Auths. in Shanghai, provided the Danish rules of procedure covered such action (of which the Danish Auths., and not I, were the judges.) I added that we had a course of Procedure, for arresting fugitive criminals applicable in Japan; but that we had in the Woodin[?] case (Tokio) and, I thought, in the Campos case (Kobe) waived the exercise of such procedure as the Japse. Govt. had, by acts of international Comity, undertaken to extradite the Criminals (accused) in these cases.

Further, however, Mr. Gielen told me that he had (apparently in conseque. of the attitude of the Japse. Auths.) abandoned the ground that he had arrested Stahlgren for a crime committed in China, - and had informed the Prefect that he had arrested Stahlgren on the accusation of being in possession of stolen property, in Japan. Of course this shifting of the ground of arrest virtually gives up the whole case; and is fatal to Mr. Gielen's position as at first taken up.

And, further, the result of this shifting of the position has been that Mr. Gielen has had to release Stahlgren (whether on bail, as the newspapers state, or not, I am not certain.) Mr. G., when I saw him, told me that he would have to release Stahlgren (- he had not then done so,-) for want of evidence forthcoming that the property in his possession was stolen. Of course, such evidence could have hardly been expected in Yokohama; and Stahlgren denied that the property was stolen.

Mr. Gielen further told me that the Japse. police had been to see Mr. Stahlgren, and had told him to let them know if Mr. Gielen should be proceeding to arrest him again; and that, if he was so, they would protect him against arrest. This Mr. Stahlgren had told Mr. Gielen.

Altogether the affair has got much entangled. One trouble Mr. Gielen has had is that he has no machinery to carry out his instructions. He temporarily employed a Dane named Claussen to arrest Stahlgren, & the U.S. Consular gaol was borrowed for his detention.

In view of the attitude which the Japse. Auths. (Govt.?) have taken in this case, - Can you tell me if we have an extradition treaty with Japan? I am not aware that we have, altho' I believe the U.S. have. If we have not, would the Japse. Govt. extradite now, by comity, without an extradition treaty? It seems from the Stahlgren case that they would not. Only this may be because they are dealing with a small power, which has no proper judicial and executive machinery in connection with its Consulates in this country. Mr. Gielen is an Acting Honorary Consul, with no staff.

Yours sincerely,

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

James Troup

Please turn over

P.S. Since writing the above, your letter of the 13th has come into my hands. As I was at Dzushi (Hayama) over the week end I did not get it sooner. Forster tells me he has done what is needful about Prince Arisugawa.

Regarding the Stahlgren case, - what I have already written will, I think, about cover the view which I take of it. The arrest was within the territorial waters of Japan. Of course we had contemplated its being nearer the harbour, or in it; but I don't see that that alters the case. The Danish Auths. asserted he had jurisdiction - & I had no reason to question it. Our Court wd. have had jurisdiction had the accused been a British subject.

The endorsement on Mr. Gielen's warrant was made by me in my Consular (not judicial) capacity, - to prevent the Master of the ship standing in the way of the Danish Auths. The endorsement is really a request, - not a judicial order.

The "Japan Mail" says I lent Constable Kircher to effect the arrest. This is pure imagination on the part of the "Mail". My Constable went to see for me what was done.

J.T.

38. Troup to Lowther

Private

Yokohama,

Augt. 18. 1897.

My dear Lowther,

I received your note of the 16th, on the Stahlgren affair, yesterday.

The difficulty remaining, - on the general question, I mean, - is, seeing that we have no Extradition Treaty are we to allow our Fugitive Offenders Acts to become a dead letter in Japan, and let Japan become an asylum for Brit. criminals escaped from H'kong, or elsewhere? The Br. Consuls in Japan may be requested, in minor judicial capacity, by the Colonial or other Auths. to arrest a criminal under these Acts. We have no instructions how we are to act, - whether we are to arrest, or to waive exercise of jurisdiction. I presume that in the case which I heard of from Forster the other day, for the first time, in Nagasaki, - the Consul, recollecting the Campos case, refused to arrest, and requested extradition. This is merely my presumption, - as I do not know the particulars.

But it has always been in my mind that the late [Minister] Mr. [Hugh] Fraser's instruction to [Joseph Henry] Longford in the Campos case, to discharge the prisoner, -

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

he having been arrested by the Consul in his judicial capacity, was ultra vires of the diplomatic authority. Suppose the Judge for Japan here should arrest a fugitive offender, - what would happen? An unfortunate conflict; and I don't know what is to prevent such happening at any moment, - unless an instruction to waive the fugitive offenders acts exists, - or they are modified, rather.

As to the arrest of a British subject, for a crime committed in Japan, if the individual is outside the foreign settlement, - of course we would arrest him. We would arrest him if found in Japan, anywhere, in a public place or in a Brit. house, - or, by permission, in a house of other nationality. We make no distinction at all between settlement and not settlement in the matter. We could not fulfil, I consider, our duties under the Treaty without having this right conceded; and I have not heard it officially disputed before. Even under the Treaty Brit. subjects may go 10 ri [1 ri = 3.9273 km 里] outside the settlement freely.

Mr. Gielen, on Monday, showed me his correspondence with the Prefect. Mr. G. clearly arrested Stahlgren on one charge & proceeded to try him on another; but he seems himself to have laid the other, - which, as you say, looks like a new crime. I don't know of any such crime in English Law. On the other hand, the Prefect's language is such that if he had used it to me I should have hauled down my flag and placed the matter in your hands.

I quite agree with you that it would be much better if the Japanese Govt. made no complaint, - better for them, I mean.

I have not felt it necessary to defend my own action. Qui s'excuse s'accuse [Fr: He who excuses himself accuses himself.] ; and I think I have only done what may be done at any moment again, & has been done many a time before. I shall ask Wilkinson what he thinks of the general question when he returns.

Yours sincerely,
James Troup

39. Troup to Lowther

Yokohama,
Augt. 23/97.

My Dear Lowther,

The Portuguese Consul-Genl. has just informed me of a curious, and, as seems to me, somewhat important occurrence.

Two Portuguese have been drowned, - and the body of one recovered. The Portuguese Consul-Genl. has held his enquiry (procés verbal) and is satisfied that the

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
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death is accidental. The Japse. Auths. (Police I presume,) have asked him to see that the body is buried. He has no objection, - he has nothing more to investigate about the cause of death. But the Japanese have held no judicial inquiry as to the cause of death. (No inquest, as we would call it, - no "Corps de délit.") In other words they are satisfied with the Consul's enquiry. This is tantamount to restoring this amount of Judicial Authy. to the Portuguese Consular Auths. The Consul-Genl. tells me he is accepting the situation: - which may be quoted as a precedent. But what are we to think of the action of the Japse. Judicial Auths. It looks as if they were to allow foreigners to come to any sudden death without enquiring whether or not it has been a violent one.

Yrs very truly,
James Troup

40. Troup to Lowther [written on thin paper with ink showing on other side]

Confidential

Yokohama,

Augt. 30. 1897.

My dear Lowther,

Some information has come to my knowledge regarding the movements of certain Manila-men or Spaniards in this neighbourhood which it may be of interest for you to know, if you have not heard it before.

I first heard of the thing from Señor Bonilla, my Spanish Colleague, who is much concerned at not being able to get these men to come & register themselves (like good Spaniards) at his Consulate. He told me he knew of five[?] men, (Manila-men) who are staying in a Japse. teahouse near Hommoku, by the New Road, - and were going by assumed English names, and calling themselves British subjects, - two of these arrested here last Messag[eries] Marit[imes] St[eame]r from Hongkong - the other three had, he knew, been there for some months. He also told me of "Chaloupe" (sloop?) lying off Hommoku, I understood him to say, but I have not had an opportunity of verifying this statement. He is likely to be correct, I fancy.

His object in speaking to me about this was, I found, to ask me if I could do anything, in view of these men assuming English names and saying they were Brit. subjects. I told him that, as he assured me they were Spanish subjects, I could really do nothing, by reason of their assuming Eng. names. I told him, however, that I could make confidential independent inquiry myself as to their nationality, - &, if he wished it, I could certify to him that I had no reason to believe them to be Brit. subjects.

The result of my inquiries has been some details - in addition to what I have heard

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from Sr. Bonilla. In the teahouse, Wakamatsu, there are (1.) a stout old man age about 50; (2.) two young men of about 19 and 20. Two girls in the house are getting wages from them @ £20 a month. The men employ a certain [**check original**]-man to go to the Bank for them, - and seem to have plenty of money.

In the teahouse, Shinhama, there are two or three men (- said to be Portuguese C[itizens]?), who arrived about the beginning of the past week. (Same information as Sr. Bonilla's.) There have been three others there for the past eight months, - one of them said to be Spanish, two (young men) said to be Portuguese. (?) They are all said to come very seldom to Yokohama.

The fact that several of these men have thus been allowed to live for months outside the settlement of Yokohama without being ordered in by the Police, makes me think that the Police are (at least) winking at this business. Sr. Bonilla seems to have no doubt that the men are purchasing arms for Manila. I think he believes the arms to be bought from Japanese.

If the Police shut their eyes to the thing, it is the most easy thing in the world to ship arms from here to Manila.

Communication is believed to go on with Hongkong by the medium of Manila-men employed as quartermasters or seamen on board the P. & O. ships, - who carry letters (to & from the Philippines?). These quartermasters are frequenters of the house of one unprincipled Spaniard named Ortiz, who has resided for many years in Yokohama.

On the whole Sr. Bonilla appears to have his difficulties in coping with these gentlemen!

I have had a private note from Sir Ernest by [**illegible**] in which he addresses to "H.M. Consulate General Yokohama". He gives me similar information to that contained in [W.A.] Cockerell's letter to you, which I have this moment got into my hands. Thank you for sending the copy. I think perhaps I had better defer now adopting the term Consulate General until I get the new Commission.

R.J. Robison ¹⁶ writes me asking me when the new duties come into force. I suppose it depends on the ratification of the Austro-Hungarian Treaty, - if it contains

[The letter ends here in mid-sentence. Part missing.]

¹⁶ R.J. (Dick) Robison was President of the International Committee, consisting mainly of leading members of the Yokohama Chamber of Commerce.

41. Troup to Lowther

[ansd. Oct. 6/97]

Yaami Hotel,

Maruyama,

Kioto

Oct 4. 1897.

My dear Lowther,

We have been staying at Takaratsuka and elsewhere near, or in, Kobe, since we got to this part of Japan, - and yesterday came on here. I have benefitted much by the rest and change; but I found, when I actually got into a quiet place, on leave, that I was a good deal run down by the exertion of continuing at my desk all through the hot weather, - and travelling up and down to Hayama daily, whither, as I think you know, we had gone for the sake of my wife's health.

I have been in communication with [Ralph G.E.] Forster from time to time since I left. I understand he has been fully occupied, but is getting through with current work.

As you know, he wishes to leave again for Nagasaki, in the latter part of the month, to get married. I have written to ask him on what day he would actually wish to leave. I have not had his reply yet; but I think he said something about the 25th, when I was leaving.

I would like to be back a few days before he goes, to pick up the threads; but, if you have no objection, & the work will not suffer from my absence, I would like to prolong my holiday until, say, about the 20th. I feel that I need a little longer than the month to set me up quite. Perhaps you may be able to consult with Wilkinson and Forster; and let me know how it stands.

I shall remain at this address in Kioto for some days, - so that a reply from you will find me here. We think of returning by rail, by easy stages, as my wife is forbidden to exert herself too much at one time.

Yours sincerely,

James Troup

42. Troup to Lowther

[Ansd. Oct. 16.]

Yokohama,

Oct. 15. 1897.

My dear Lowther,

We returned to Yokohama last night, all the better for our trip. I am taking over

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(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

charge of the Consulate Genl. from the close of today.

Forster is applying officially to take his examination in Japanese before he leaves for Nagasaki. As I will be deprived of his assistance for a while, in this way, I would propose, with your approval, to appoint Rentiers Pro-Consul. Such appointment is made, as you know, by the Consul, by letter addressed to the person appointed, - and the appointment reported to the Secretary of State for his approval. This has always been done thro' the Legation.

Rentiers knows quite well about the duties of a pro-Consul; and the appointment brings with it no emolument or claim for promotion.

There are so many notorial acts to be done at this Consulate now, that, without a pro-Consul, the Consular Officer in charge is liable to constant interruptions merely to witness signatures and take declarations. The appointment could (if necessary) be allowed to lapse when Forster returns.

I would hope to be able to get on, during Forster's absence, with Rentiers alone; but in case of pressure of work arising, (as not infrequently happens at this time of the year) I would wish to ask you if you could let me have for a time one of the Senior Student Interpreters. I had Parlett, under such conditions, some years ago, - when he was a student; and he continued to live in Tokio, coming down here for the day merely, when he was required.

Yours sincerely,
James Troup

43. Troup to Lowther

Private.

Yokohama,

Oct. 23. 1897.

My dear Lowther,

As the weather is so inclement, I shall not attempt to come to Tokio until it moderates.

In the meantime I ought perhaps to say what it is that I wished to mention to you. I think you ought to know what I have seen of the disposition, at present, of large numbers of the Japanese population towards foreigners.

On my recent holiday tour I had frequent opportunities of seeing this personally. Overhearing conversations amongst the common classes, - including what I suppose I ought to call the lower middle classes, - seeing the behaviour of school children, as well as of grown-up persons of the more or less rowdy sort, - including soldiers, - I feel that

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there is a widespread feeling abroad in the Country of hostility to the foreigner.

As you know, - a disorderly seaman of a Brit. merchant vessel was murdered recently in Yokohama by a Japanese unknown, forming one of a mob who set upon him. I am satisfied that the Procurator here and the Police have been doing their very best to discover the actual offender. But these officials are placed in a false position. Do what they may, the root of the evil remains, - and may lead to similar occurrences again.

What I mean to get at is this, - I know from positive information that the present hostile spirit of the population is the result of instructions issued by those in high authority.

I daresay this is not news to you; but knowing it as I do, on independent authority, I feel bound to tell you what I know.

I wish to let you know some of the details when I see you personally.

I see, in yesterday's "Japan Mail", that Count Ito [Hirobumi] has been referring to this matter in a speech. To any one travelling in the interior (foreigner, I mean) the "intolerable condition of affairs", - referred to by Count Ito (if his words are correctly reported) as likely to be reached by the time mixed residence comes into operation, - is already here, in several parts of the Country I have been in.

Yours sincerely,

James Troup

44. Troup to Lowther

Yokohama,

Nov. 19. 1897.

My dear Lowther,

I have obtained from the French and German Consulates, on loan, copies of their Consular Fee Tariffs. I send them up to you by today's messenger, along with a copy of our own Fee Tariff. You will see from a comparison of these Tariffs that it would be troublesome to make a comparative table of Fees, - because the methods of levying are so different at the different Consulates. No complete view of the thing could be given without giving the Tariffs themselves.

For example, the French levy a different scale of fees on occasional vessels visiting the port from what they levy on regular lines like the Messageries [Maritimes]. We levy alike on all vessels.

If you could let me have a notion of what the return is to be used for, perhaps I could devise a method of compiling a comparative table which would answer the purpose. And please send me back the Tariffs when you have seen them.

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I hope Forster may be back soon, - and then I could set one of the assistants to compile the table.

I presume all the three Tariffs would have to be reduced to Sterling.

Yours sincerely,

James Troup

45. Troup to Lowther

Yokohama,

Nov. 22. 1897.

My dear Lowther,

I wrote the enclosed this morning. As I have now recd. Sir Ernest's desp. No. 50, informing me that he has already instructed Forster to proceed to Nagasaki, - I of course withdraw the enclosed so far as it may be liable to the interpretation that I wish to interfere with arrangements already decided upon. But I think it desirable that the note should go forward, that the position may be understood. The Consulate here is undermanned with one assistant in any case, - & the more so with the weaker one; and I am myself unable to put through the same amount of work as I used to do, - much of which has been such as can be done, under the Consul's direction, by assistants.

Yours sincerely,

James Troup

46. Troup to Lowther

Private.

Yokohama,

Nov. 22. 1897.

My dear Lowther,

I shall do nothing more in the matter of fees. Our fees are very much lighter than those of Foreign Consulates generally. I think the F.O. people in the Consular Dept. must be aware of that.

I mentioned to you that there was a Sterling Table of Consular Fees. It is given at pg. 254 &c. of the F.O. List (Edn. 1896.) At pg. 257, &c., is the Table for China & Japan. I should think that now the Stg. [Sterling] Table might be made applicable to Japan at the par of exchange of the gold yen. That would give a rise in the amounts chargeable, stated in Yen.

I would like to mention to you, & perhaps you would not mind conferring with Sir Ernest on the subject, - what I feel with regard to sending Forster to Nagasaki to act for

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Longford. Forster is, as you know, my best man; and I find it very hard on myself to go on for long with only one assistant, and him the junior. To state the matter plainly, I am not myself able to go at the pace at which I have done for a number of years past, - in the matter, I mean, of the innumerable details of Consr. Work; and I must put more on the assistants than I have done in former times. For this reason, I would like to retain Forster here, if possible, - and would suggest that Rentiers might have a try at acting as Consul. Of course the same argument may be urged in favour of sending Forster to Nagasaki as I urge for keeping him here, - he is the better man of the two. But I think it might wake Rentiers up a bit to be put for a little in a responsible position. He has been over nine years in the Service, - he has passed all his exams. for barrister, - & the time he has been in the Consulate has given him a very fair chance of learning his work. If an opportunity were given him of applying his knowledge in a responsible position, it would, I believe, do him good.

I write, however, mainly from the selfish point of view, when I say I would rather have Forster here. He has been twice away from me this summer and autumn, - and I feel the strain when I have too many details to attend to.

Yours sincerely,
James Troup

47. Troup to Satow

[ans. 24/11]

Yokohama,

Nov. 24. 1897.

My dear Satow,

You will recollect that I have at present a writer here young Atsumi, son of the old doctor.¹⁷

I have been trying to encourage him to learn English, and he is working away at it; but of course it will take him a very long time to be of any use in that. I might dispense with English for a time; but unfortunately there is a more serious drawback to his being fit for the post. He has not a sufficient knowledge of characters. He frequently fails, - and recourse has to be had by Rentiers or Forster to Rentiers' writer, - who is a good deal here. I made, however, another discovery some time ago, - when asking him about some character myself which I and he did not know. I told him to look it out for

¹⁷ Satow was visited on October 13, 1895 by Dr. Atsumi from Yokohama and his son for three hours and twenty minutes, "the old man talking all the time...", except when others came to call. (Diary, Ruxton, 2003, p. 28)

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me in the dictionary, - and he very innocently came back and told me that he had caused Takejiro, the head office boy, to look it out, - and that it meant so & so.

Forster has also told me that he has found the assistance of Takejiro of much value in reading Japanese when he was in a difficulty.

I have known for some time that Takejiro did writing work for Mr. Hodges, - keeping account of postages, & work in the shipping office in English. It was only today, however, that I asked to see his English handwriting and it is so good that I would not be ashamed to send enclosures to the Legn. in it. Hodges tells me Takejiro is also most accurate in figures – arithmetic.

Atsumi is a very nice mannered boy, and willing to do anything which he can; but his want of knowledge of the characters is fatal. We have so much to do here that I cannot afford to keep him here simply as a student. Before saying anything to his father, or to him, however, I considered I ought to let you know, as you kindly suggested him to me. I really engaged him on his handwriting and his general bearing, - which are unexceptionable. He is really too young for the post, - and requires a year or two of study before his proper office training could commence. I am loath to tell his father the facts, - but such they are.

The head office boy, Takejiro, could easily command twenty yen a month, or more, in the Settlement; but sticks to us because he has been so long here. I had been blind to his qualifications in English, because I always speak to him in Japanese. I had overheard him speak a little with people in the hall, in English; but he has a good knowledge of spoken English – good enough to be quite of service in the office. He has learned all this while in our service; and I am testing him still further with the view of letting him have, - what I am sure he deserves, - the post of writer. This is going on radical principles; - but the pay ought to go to the man who can do the work. I am afraid of losing our servants unless we pay them better. The French Consulate, I find, gives a man somewhat of the type of Takejiro, 20 yen.

Lowther may have told you that he has sent forward my recommendation of a general increase of wages.

Yours sincerely,
James Troup

48. Troup to Satow

Yokohama,

Nov. 26. 1897.

My dear Satow,

I have received a letter from J.N. Seymour, Sendai, asking me if it is legal that he should be required to pay taxes in Sendai. ¹⁸

The question has already been referred to the (late) Vice Consulate, Tokio, - and to the Legation. On looking up the V. Consulate archives I find nothing except Lay's replies to Seymour and Dening, saying that the question had been referred to Mr. Lowther. The other correspce. is, I believe, in the Legation.

Before I reply to Seymour, I would like your opinion, - as the matter is already in your hands.

My own view is that these people are liable to pay the local taxes. No treaty stipulation exempts them, and I fear that it would be impossible to use and work in their favour with effect in such cases.

Yours sincerely,

James Troup

Legn. Circr. No. 77 (to Consulates) of Decr. 17. 1879 bears on the point, I think.

Ans. [Satow's answer in his own handwriting]

[I] have looked at the circ. & think that what is said abt. municipal laws applying to B.Ss. is a "pious opinion" of the Law Officers. They have never been held to be directly applicable, except by means of a regulation made by the minister. I think the only ans. [answer] you can give to Mr. Seymour is that the case in respect of wch. his inquiry was addressed to you has been referred to H.M. Legation, & is being discussed between myself & the Japse. F.O.

y.v.t.

E.S.

¹⁸ See Satow's diary for November 25, 1897 in which he writes of a "tough argument" with Komura Jutarō at the Japanese Foreign Office about prefectural and city tax said to be payable by English teachers at Sendai Second High School, W.R. Dening and J.N. Seymour. (Ruxton, 2003, p. 216)

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(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

49. Troup to Satow

[ans 2/12 in affirmative]

Yokohama,

Dec. 1. 1897.

My dear Satow,

I have had an enquiry from Butterfield and Swire as to whether “treaties have been concluded between Japan and Holland, and between Japan and Spain,” and, if so, “whether a Conventional Tariff on Imports is embodied in said treaties.” Their inquiries are instituted in connection with the duty upon raw sugar.

I am under the impression that treaties have been concluded (and ratified?) between Japan and the countries named, and that they have no Conventional Tariffs; but before replying to Butterfield and Swire, I would like to learn from you whether I am correct in this impression. I seem to have no official information on the subject.

Yours sincerely,

James Troup

50. Troup to Satow

[ans 7/12/97]

Yokohama,

Dec. 3. 1897.

My dear Satow,

I enclose a memo. which has been put into my hands by Mr. [A.B.] Walford, raising the question of the rights of Canadians under the new Treaty ¹⁹, - Canada having not yet given in her adherence to the Treaty. The question, as you will see, is raised in connection with an application for a patent.

Art. XVII of the new treaty says that the “subjects of each of the High Contracting Parties shall enjoy, &c.”

Art. XIX excepts “Canada” from the “stipulations of the present Treaty” – until notice shall have been given. Does the expression “Canada” include Canadians, – and what, internationally, constitutes a Canadian, as distinguished from a British subject?

Mr. Walford points out to me that he cannot properly refer this matter to you

¹⁹ The Anglo-Japanese Treaty of Commerce and Navigation ((日英通商航海条約 *Nichi-Ei Tsūshō Kōkai Jōyaku*) signed on July 16, 1894 by John Wodehouse, 1st Earl of Kimberley for Britain and Aoki Shūzō for Japan. It abolished extraterritoriality for British citizens with effect from July 17, 1899. Most other countries followed suit and signed treaties with similar provisions and timing. See Perez, Louis. *Japan Comes of Age: Mutsu Munemitsu and the Revision of the Unequal Treaties*, Madison, N.J.: Fairleigh Dickinson University Press (1999).

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officially until he has exhausted the species of appeals provided in the Patents' Bureau,
– and this will take some time. He has no doubt, however, that the decision on his first
application will be confirmed by the higher department of the Bureau.

In connection with this question as to Canadians and other Brit. subjects belonging
to Colonies which have not adhered to the Treaty, a further point occurs to me:-

“What will be the position of such British subjects be in Japan when the new treaties
come into force?” I suppose they will have no position? They will be liable, apparently,
under Art. I, to be denied liberty to “enter” Japan.

Yours sincerely,
James Troup

Memorandum

Thomas Doherty described as of the town of Sarnia in the County of Lampton and
Province of Ontario Canada manufacturer, and Peter Duncan Crerar described as of No.
1 Provident Chambers Hughson Street South in the City of Hamilton County of
Wentworth and said Province of Ontario Barrister at law have jointly made application
in due form for the grant of a Patent.

With the application was filed a notarial certificate of British nationality of the
applicants.

The application was at once rejected on the ground that “The Patent Law is not yet
to be applied to the Canadians.”

The rejection would appear to be grounded on Art. XIX of the Anglo-Japanese
treaty which provides that the stipulations of the treaty shall not apply to Canada. Does
this exclude from the privilege of the treaty all British subjects, who happen to be
domiciled or resident in Canada.

Satow's answer to Troup

Copy

Dec. 7. 1897.

My dear Troup

With regard to the question put to you by Mr. Walford as to the rights of Canadians
to obtain protection for their trademarks, a case has already arisen & been decided by
the F.O. The applicant was C.L. Benedict of Amherst in Nova Scotia.

The F.O. replied (Sept. 16) that persons domiciled in Canada will not be entitled to
the benefits of the new Treaty, & that the special arrangement for the protection of

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

industrial property which has already come into operation does not apply to residents in Canada.

Please inform Mr. Walford accordingly.

Yours very truly,

(Sd.) Ernest Satow

51. Troup to Satow

[ansd. 16/12]

Yokohama,

Dec. 16. 1897.

My dear Satow,

You may have heard that a seaman belonging to a British ship in port here was murdered by some person or persons (Japanese) unknown, in the streets here, in Septr. last. It was just after I went to Kobe on my holiday; and Forster held the Inquest. He told me that he believed the Japse. Police were doing everything in their power to discover the perpetrator. However, on my return, I saw the Procurator of the Yokohama Court on the subject, and also sent him an official letter asking him to let me know what progress had been made towards discovery of the guilty party. Yesterday I had an official [communication] from him saying that a certain man (name given) had been deemed to be the guilty party by the Juge d'Instruction, - and the man had been sent for trial.

I think it would be well if we could send a Consular official to the Court to watch the trial. I have not a man, however, at present whom I could send. I doubt whether Rentiers would be able to follow everything. However, if Forster were back, we might make a push to send one of them. [Acting Registrar A.M.] Chalmers would be the best, if the Judge could spare him.

I may say that this case bears some resemblance to one which was tried in the Yokohama Court in 1892, (I think), and the charge and sentence in which were to my mind quite inadequate. The man was charged with manslaughter, but it had all the elements of murder. Then, as the perpetrator was a young man – under a certain age – the sentence was made more lenient by one degree, and for some other reason it was relaxed another degree, - so that, in the end a very light punishment resulted. I remonstrated with the Procurator, & I think the sentence was reconsidered, but not changed. I then reported the matter to H.M. Legation, but my views were not endorsed by the Minister [Mr. Hugh Fraser]. I have not, however, altered them; and I would like to see precautions taken to have Justice done in this case.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

These cases have both arisen from a mob having taken the matter into their own hands against disorderly persons – and not leaving it to the Police, – or, to the insufficiency of police protection.

There is a violent spirit in existence now against the Foreigner, especially if he is a wrong-doer, & I have taken an opp[ortunit]y of mentioning this to the Procurator, and also to the Ken [Prefecture] Authorities.

I am writing this on the Hill, and so am unable to verify some dates to wh. I refer. I am laid up with an influenza catarrh, - & Wheeler has ordered me to keep the house till Monday.

Yours sincerely,
James Troup

52. Troup to Satow

Yokohama,

Dec. 20/97

My dear Satow,

I have written in to the Saibansho [Court 裁判所] asking what is the precise charge which the Procurator is to lay in the case where the Br[itish] Seaman (whose name was Thomas Kennedy) was murdered (as the Inquest found) in Sepr. last, - and also on what day the trial will commence. Until I learn the latter I cannot, of course, write about getting a man from the Legn. to watch the case. Lest I should have short notice from the Saibansho, however, it might be well if [Arthur Hyde] Lay had a hint, beforehand, that possibly he may be required. As soon as I hear the date, I shall inform you by telephone.

I have not quite got rid of the bronchial trouble, - but nearly so. I have been obliged to keep the house [i.e. stay at home] until now.

Regarding the other matter, I am to see Dr. Baelz again before doing anything further. I could not go to see him last week, & my present arrangement is that I go to see him on Thursday. I have had an opportunity of talking over the matter with Wheeler during the last few days.

Yours sincerely,
James Troup

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

53. Troup to Satow

Yokohama,

Dec. 23./97.

My dear Satow,

I have made such enquiries as are possible to me as to the reason of the charge for prison diet being greater for merchant seamen than for Crown prisoners and men of the Navy, – but can find none. Anything that I can offer is mere conjecture on my part, - such as that it may have been thought necessary to make the charge lower where Govt. had to pay it, - and arrange that the whole should be such as to compensate the gaoler for his outlay. If this was the reason, it does not seem to be a good one. All I can really say is that the charges have, as far as my experience goes, always been different; & in suggesting the new scale I simply follow the precedent set.

Under these circs. it will be better if you address me a short offc. [official memo?] on the subject. For this purpose I return to you the B./I. [B./J.?] letter and the F.O. desp[atch] covering it.

I shall recommend a new scale, - which, I think, will be one yen per day for prisoners awaiting trial, and 70 sen for prisoners undergoing sentence. I will have to justify these charges, however, by reference to the rise in the cost of living – which has continued since the date of my first application for a rise in the scale of charges.

Yours sincerely,

James Troup

54. Troup to Satow

[Ans. 30/12. telling him we have discovered Hannen's(?)].

Yokohama,

Dec. 29.1897.

My dear Satow,

I am looking into the matter of the Prison Regulations as affecting the scale of Diet, with a view to writing you again officially recommending an amended scale.

We cannot find anything here indicating the reason for a difference having hitherto been made betw. the charge to mercht. seamen and that to Crown Prisoners, nor, indeed, any application from the Consulate to the Legation regarding the Scale of Diet.

I find, however, a desp. from the Legn. (Sir F. Plunkett) to the Consulate (Russell Robertson) dated May 18. 1885, no. 17, transmitting the Amended Prison Regulations, i.e. the ones now in force, in which it is stated that the Regulations are issued “in compliance with instructions received from H.M. Sec. of State for Foreign Affairs.”

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

This shows that some communication must have come from the F.O. about it.

Yours sincerely,

James Troup

55. Troup to Satow

Yokohama,

Jany. 4. 1898.

My dear Satow,

Along with this I am sending my application for leave to retire. I am sorry to have to do so; but both Wheeler and Baelz say that even were I to drag it on, I would have to go away from my post for three months in the summer. The man who must do that is not fit for it. Wheeler says I ought to get away before the summer, - and I would like to fix my departure for some time in April, let's say.

I have the consideration of giving up my house. I can give it up on two months' notice. I would therefore require to give notice before the end of this month, - as I do not wish to have the rent to pay after vacating it.

All things considered, I would ask you to request the F.O. to telegraph the result of the application. Otherwise there would not be time for me to arrange about leaving at the time we think of.

I hope the form on which I have made out the application will do. I have said nothing about the necessary reference to the Treasury about pension. I have assumed that that is understood.

Yours sincerely,

James Troup

I have not numbered the desp. as one of the Consular Series. I suppose that as letters of appointment are separate, such applications as the present will be so. But if it had better go into the Series, it can be put.

56. Troup to Satow

Private

Yokohama,

Jany. 5th, 1898.

My dear Satow,

With regard to telegraphing to the Foreign Office about my retirement, - it is, of course, clear that no answer could be got from there in time to enable me to give notice to my landlord (-lady it happens to be!) in January unless this is done. When I spoke

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

with you about this, - I thought more of an immediate telegram; but as I had not then put the point to either of the doctors, I was averse to doing anything rash on what was so much a matter merely of my own feelings, - at least it was from my own judgment of myself that I then spoke; and one is liable to misjudge such matters. I am quite satisfied, however, that I am doing the proper thing; and now that my formal application, with the Certificates, has reached you, I have no objection at all to your telegraphing, saying desp[atch] follows, - so that the future arrangements may be made with due deliberation.

I wrote privately to [John Carey] Hall on the 3rd, letting him know my intention, - as I wished he should hear it from me rather than from the outside; and it had already met me in Yokohama, in Decr., outside the Service. It is impossible to keep these things long, where several are bound to know them. At the same time I do not think it will, strictly speaking, obtain publicity. In any case, I shall not allow it to impair my attention to public business if I can help it.

Yours sincerely,
James Troup

57. Troup to Satow

[Ans. 11/1/98]

Yokohama,

Jany. 10. 1898.

My dear Satow,

I am sorry I was not at the office this afternoon when you called. ²⁰

Regarding the inquiry about the practical working of the law regarding the detention by the Japse. Courts of suspected persons, - I am promised something from the Portuguese Ch. d'Aff. and also something from a private source, - but neither have yet reached me. In each of these instances, I hope to get a report on one case only.

I find it very difficult to get information on individual cases, - and had thought of employing some private person (Japse. of course) to inquire confidentially into such things & give me accounts of individual cases. On conferring with Forster on the subject, - he makes a good suggestion: - that there are, he believes, private professional detectives who would, for a consideration, get information. I cannot say that I know or know of any such parties; but I daresay they could be got at somehow.

Would secret service money be available for such a thing?

²⁰ Satow spent the day in Yokohama and lunched there with R.A. Wylie of Cornes & Co. (Diary)

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(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

I fear our present Japse. staff (I have still got Atsumi as writer till the end of this month) would not be of much use to get at such detectives. Could not something be done, if I may make the suggestion, by some of the experienced Legation writers?

Yours sincerely,
James Troup

58. Troup to Satow

Jany. 13. 1897 [1898]

My dear Satow,

I now send forward an official on the proposed amended scale of Prison diet.

I have drafted amended Sections of Regulation to submit to you, to take the place of what was enclosed in your No. 18 of Apr. 20th of last year to myself; but before submitting the dft. to you, I am sending it to [Judge for Japan Hiram S.] Wilkinson for his observations on it. I hope to send it to you tomorrow.

We have received intimation from the Procurator of the date (21st) of the trial for the murder (?) of Kennedy; and I am writing to the Prest. of the Saibansho intimating to him that I am sending Forster to watch the case on my behalf, - and requesting that the usual facilities may be afforded him for doing so.

Yours sincerely,
James Troup

59. Troup to Satow

Yokohama,

Jany. 14, 1898.

My dear Satow,

I now send you a suggested form of amended Regulation for the diet of prisoners. It has been revised by Wilkinson.

I would suggest that, in the same way as was done in your desp. No. 18, of Apr. 30, 1897, it be made retrospective, from the 1st Jany. inst., - by an Instruction simply.

It will, if you approve of and enact the Regulation as now suggested, be for the Secy. of State to disapprove of that enacted on April 30 of last year; and, if the thing is now satisfactory, to approve the present one.

Yours sincerely,
James Troup

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

60. Troup to Satow

[handed to Chief of Police in Tokio by G.L. Oct 23/97] [G.L. = Gerard Lowther]

Jany. 14th,
1898.

My dear Satow,

You will recollect that a copy of the "Instruction Book for the guidance of the Metropolitan Police Force" was forwarded to you from the F.O. last year, to be given to the Head of the Police Bureau, should he apply to you for it. It was retained at the Legation until I should have an opportunity of speaking to the Head of Prefectural Police here, with the view of suggesting to him to mention the matter to the Head of the Police Bureau. I had such an opportunity many months ago; and, later, I understood that the Head of the Prefectural Police here had mentioned the subject to the Head of the Police Bureau.

A considerable time after that, I understood that no application had been made to the Legn. by the Head of the Police Bureau for the Book; - and subsequently the Head of the Kanagawa Police who originally asked me to get the Book for him, was transferred as Ken - Secretary [Prefectural Secretary] to Nagoya. (I saw him in the autumn, at Nagoya, on my holiday tour.)

If, therefore, the Book has not yet been asked for by the Head of the Police Bureau, I would suggest that it be returned to the F.O.

Yours sincerely,
James Troup

61. Troup to Satow

[Ans. 19/1. Think better to go on on the old lines.]

Private

Jany. 18. 1898.

My dear Satow,

Before you went on your visit home, I think I mentioned to you that the Supt. of Customs here was keeping up a system of returns of the trade of this port wh. would show the total trade for the year soon after the end of the year.

I enclose his sheet for Decr., - and for the whole year.

If we were to compile our returns on the basis of this sheet, it would involve quite a change in the form hitherto adopted for our returns, - and a large amount w[oul]d appear under the heading of Miscellaneous articles, - larger than would be desirable, probably.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

At the same time this sheet does show the totals of all staples, - and also the sum total of the trade of the Port for the year.

The question arises whether an attempt shd. be made to make up the Returns on the basis of this sheet, without waiting for the Revised Returns (wh. usually reach us in April, I think.)

Personally, I do not see how I can write a Trade Report to accompany such returns, without taking a very considerable time yet. It takes time to get materials arranged, - not to speak of getting materials together, - for the body of the Report; and I feel that I cannot personally work extra hours to do this. It will take time to get the work done by the assistants, alongside of current work.

As a compromise, what would you think of my giving two Returns, one of Imports and one of Exports, by simply converting the yen of this sheet into £s. stg; - and reserving the regular Trade Report to go when the tables are made up from the Revised Returns?

I do not suppose that the Customs at Kobe & at Nagasaki have made up sheets like the one enclosed. It is an idea of Okoshi [Narinori]²¹ the Supt. here, - so that early returns may go out.

Yours sincerely,
James Troup

62. Troup to Satow

[Extr. to Hall 25 Jan.]

Yokohama,

Jany. 24. 1898.

My dear Satow,

²¹ “Narinori Ōkoshi (1854-1923), as a public officer of Foreign Affairs, went to England to study economics at University College, London under Professor W. S. Jevons (1878-79). Firstly, he was engaged in the revision of the Unequal Treaties with the Western powers on the protectionist side. But his experiences as Consul at Lyon, France and Consul-General at London, Great Britain influenced him to become a liberalist instead. He, as a neglected economist influenced by Jevons and F. Bastiat, published the book titled *Expansion of Foreign Trade* (1889) and wrote articles to promote free trade against protectionism in the *Tokyo Keizai Zasshi* (Tokyo Economist), which was published by Ukichi Taguchi, one of the most famous liberalists in Japan.” (Abstract from 井上 琢智 Inoue Takatoshi, “大越成徳と自由貿易論 Narinori Okoshi and Free Trade” in *經濟學論究 The journal of economics of Kwansai Gakuin University* Vol.57, No.3 (2003/12/20) pp. 35-76)

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(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

Wilkinson took the Fegen [William Fegan] case; and all I know about it at this moment is that Fegen [Fegan] decamped and was sentenced (in his absence, as I understood) to 40 days imprisonment for not paying when he had the money.

I have sent a note to [H.S.] Wilkinson asking him if he can let me have a memo. on the subject for you. Forster is translating the article for W. to see tomorrow. Forster calls my attention to the fact that the paper is the Asahi.

Regarding the question of the length of lease at Kobe, - I have no more distinct recollection than this:- that this connection was raised in connection with Mr. (Capt. by courtesy) Byrne's lot on the Hill. St John Browne had something to do with it, I think; but whether as principal or agent, I cannot recollect. I think Mr. Byrne had an agreement to the effect that his lease might be renewed, at his option, or that of his heirs, practically by periods of so many years (whether 25 or what, I wd. not like to say.) I believe the claim was admitted only for one renewal, - or something of that sort; but my recollection of the details is vague.

Yours sincerely,
James Troup

63. Troup to Satow

[not ansd. Showed to Wilkinson & asked to explain to Troup that what I wanted was that Fegen [Fegan] shld. not be allowed to escape by any action on my part. E.S.]

Yokohama,

Jany. 25. 1898.

My dear Satow,

On consulting with Wilkinson about the Fegen case, he very properly suggests that the report ought to be made, without reference to him, (as the judicial authority,) by myself as the executive authority here. As a matter of fact I had, personally, no concern with the case, - as Wilkinson heard it; - and issued all orders in the case to the officers of the Court.

I have therefore instructed the usher, George Kircher (the person, no doubt, meant to be indicated by the "Asahi" as "George",) to write out a report on all that he did in the matter, - what orders were issued to him, and how he executed them.

I think I ought then to report to you myself, enclosing Kircher's report, and supplementing it perhaps, after reference to the Court records in the case. Would it not be better for me to do this to you officially, - saying that my attention had been called to the article in the "Asahi"? I presume that a reference by you to the Japse. F.O. would be the better course? Possibly the Japse. F.O. may say that my remedy is by taking

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action against the “Asahi” in the Japanese Courts. That would be the remedy wh. we would have to indicate, I think, were an English newspaper here to libel a Japanese executive officer.

But I would like your opinion on these points.

Yours sincerely,

James Troup

It would be well to know what the Japsee. Press Laws say on libelling officials. I possess, of course, the Emperor's Exequatur.

64. Troup to Satow

Yokohama,

Jany. 26. 1898.

My dear Satow,

I have got all the books which Aston asked me to get for him, except one, - Ogiu Sorai { 荻生 相徠 } ²² which, I am told by Maruzen, is out of print. I have not yet, however, ordered the small box to pack them in, - and shall delay doing so until you can send me those which you get.

As Aston asks me to add to his list anything recent which might be useful to him, I can reimburse you, on his account, for anything which you expend in getting additional works.

My attention has been called to a paragraph in a low-class Yokohama paper called the “Box of Curios”, - published by an American, - which is evidently the source from which the “Asahi” derives what it has written.

The Constable-Usher, Geo. Kircher, is writing out for me a report of what he did in the case, - and Moss, the Chief Clerk, has revised it. I am not able to get it for you today, but hope to do so for tomorrow's messenger.

Yours sincerely,

James Troup

65. Troup to Satow

Private

Yokohama,

Jany. 27. 1898.

My dear Satow,

²² Ogyū Sōrai 荻生 相徠 (1666-1728), a Confucian scholar of the mid-Edo period, author of several books.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

I enclose the report which Constable-Usher Kircher has drawn up as to what he did in the Fegan case. Moss has seen it, - so I think it fairly represents the action of the executive in the case. Technically, I suppose, all orders of the Court should pass thro' my hands as Sheriff, - but practically I am saved this additional trouble in most cases, - & orders are handed from the Registry to the Constable-Usher.

Kircher seems to me to have executed his orders well enough, - except perhaps in the particular that he might have wished the aid of the Japanese police sooner, when he believed Fegan was hiding in the Japse. town. He could hardly hope to find him there himself; but the Japse. Police can soon spot a foreigner in such circs.

Kircher tells me he really believes that Fegan was helped away by some of his confreres who hang about the grogshops &c. I fancy Kircher himself was the object of the chaff of such fellows, - who would bet he would never find Fegan!

K. [Kircher] tells me this morning he has heard from some of the reporters who knew Fegan as a "brother-of-the-press", that they believe he has gone to Chemulpo [Inchon]. I have, however, written privately at Wilkinson's suggestion, to Kobe, to Hall, asking him to look out for him there.

Yours sincerely,
James Troup

Enclosed Report:

In the matter of an absconding debtor William Fegan

On the 22nd Dec. 1897, I received two civil summonses from Mr. Moss Chief Clerk of the Court for service on the above named W. Fegan, one in the case of Sigura Kozaburo being a claim for \$37.38 and another in the case of Akagawa Sokichi being a claim for \$6.43 for provisions sold and delivered by them to defendant.

I served these summonses on defendant and the causes were heard on the 30th Dec. when judgment was given in both cases that defendant should pay the plaintiff Akagawa Sokichi in full on the 4th Jany. and the other plaintiff in instalments, the first instalment \$13.38 to be paid on the 4th January.

On the 6th Jany. I received a judgment order and judgment summons (Sigura Kozaburo vs. W. Fegan) for service on Fegan for his appearance on the 11th Jan[uar]y. I made search for the debtor, but could not find him, and on the 11th Jany. in reply to a query from the Chief Clerk as to whether I had served these papers on Fegan I replied "So far I have been unable to find him and I have searched the whole Yoshiwara"

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(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

having heard from one of [Bert] Willison's circus men that he was there. Failing to find the debtor I reported the fact in the Registry where I was told to invoke the aid of the Japanese Police, and make the summons returnable forthwith. On the 12th Jany. having heard that W. Fegan was still in Yokohama and only came out of doors during the night, I called in the aid of the Japanese Police who reported to me that Fegan was concealed in a Japanese house at Nakamura, Ishikawa. On the 13th Jan[uar]y I went to that house in company with a Japanese detective, and found W. Fegan at home, served him with the judgment order and judgment summons, and then accompanied him to H.B.M.'s Court shortly before noon, where an amended summons which I received from Mr. Moss was served personally on him by me for his appearance at 10.30 a.m. on the 14th.

I received also from Mr. Moss on the afternoon of the 13th another judgment summons for Fegan to appear in the case of Akagawa Sokichi also at 10.30 a.m. on the 14th and went to the house of the debtor. He being absent I waited until his return and then served the order and summons on him personally about 4 o'clock p.m.

W. Fegan then said he was going into Yokohama to collect some subscriptions money that his friends were collecting for him, saying if he got it, he was going to Kobe by the evening train which I did not believe. I accompanied him to the foot of Ishikawa Hill where he met a friend, whom I did not know, there I left him and have not seen him since.

I received a warrant for W. Fegan's arrest and imprisonment for forty days on the 14th Jany. at 3 p.m. I returned it to H.B.M.'s Court on the 17th endorsing on the warrant that I had been unable to find him. On the 15th I reported to the Registry that I had been unable to execute the warrant, and that I was informed Fegan had left for Kobe on the evening of the 13th. I was then told to fully satisfy myself on this point and report further, which I did on the 17th inst. confirming my previous report.

Geo. Kircher
27/1/98 Usher

[This part deleted:

“P.S. Instead of W. Fegan's liabilities being several hundred dollars all I am aware of is \$58.91.”]

66. Troup to Satow

Yokohama,

Feb. 1. 1898.

My dear Satow,

Hall writes to me from Kobe:-

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

“In reply to your note re Fegan, it seems that he passed thro’ here a week ago, destination unknown. His wife and 2 children are living here with her mother, but the fellow is such a scamp that the wife refused to live or even to see him for some time before he left Yokohama. However, both my Constable and the Mun[icipa]l Police have received instructions to keep a sharp lookout for him.”

I had the relations between Fegan and his wife brought to my notice here; and saw his wife and heard her complaints some time before the civil case was thro’, before Wilkinson, in the Court.

I was asked by some who concerned themselves about the case to use “Consular pressure” to bring about better relations between the husband and wife. From what I learned of F’s antecedents I knew this was hopeless & I had hoped that perhaps [A.B.] Walford (or Mr. Neil for him) might have gratuitously taken up the wife’s case before the Court. But, meantime, Fegan absconded. I forget whether I told you that my Constable had heard that he had gone to Chemulpo.

Yours Sincerely,
James Troup

I received the Ogiu Sorai vol. Maruya had not taken much trouble about it, I fear.

67. Troup to Satow

Yokohama,

Feb. 3. 1898.

My dear Satow,

I have now got the average Customs’ rate of the Yen for 1897. It is 2/1 (two shillings and one penny). Also the average Bank dem.[?] drawing rate, which is 2/0 $\frac{3}{8}$ (two shillings and $\frac{3}{8}$ ths of a penny.)

Referring to your desp. Circlr. No. 2 of Jany. 23rd, 1897, I would suggest that in the Consular trade Reports on 1897 the Yen shld. be converted into Stg. For

All Exports @ 2/0 $\frac{3}{8}$

Imports of Sugar and Miscell. Eastern Produce other than Brit. Indian and Australian
@ 2/0 $\frac{3}{8}$

For all other Imports @ 2/1

I am,
Yours Sincerely,
James Troup

68. Troup to Satow

British Consulate Genl. ²³

Yokohama,

Feb. 4. 1898.

My dear Satow,

I received the books which you sent for Aston, - and those, along with what I got thro' Maruzen, have gone to the P. & O., to go by "Rohilla".

If you will send me a note of what you paid for those you got, I can send you the amt., and recover from Aston along with my own expenditure.

I was making a round of calls, with my wife, on Monday, when I looked in at the Legn. ; but as I was not sure of being able to go, until the forenoon, I could not mention it beforehand. I have already mentioned, in my written notes to you, anything I had to mention.

I suppose the desp[atch] about my retirement will reach London next week. In case no telegram should reach you soon, - would you be willing that I should give notice to my landlady of my intention to quit my present house & terminate my lease at the end of April? Of course this is my personal concern; but I would not like to be in Yokohama long after quitting our house. Two months' notice is all I am required to give, under my lease; but it would no doubt be an advantage to me to give early notice, as the landlady might then arrange to let the house, - and as I have a number of fittings in it (such as gas fittings) I might be able better to make them over to a new tenant.

Baelz holds out no hope of my perfect recovery without complete rest, - and my going, I feel, is inevitable, - altho' at times, I feel almost quite well.

Yours very truly,

James Troup

We will answer the inquiry about the export to England of Japanese manufacturers. This is turning the tables!

69. Troup to Satow

Yokohama,

Feb. 14. 1898.

My dear Satow,

Hall writes from Kobe that the Japse. Police inform him that the man believed to be Fegan has gone to Okayama (down the Inland Sea) with a Japse. who is exhibiting a marionette show.

²³ "British Consulate" is printed, and Troup has added "Genl." in his own hand.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

The place is within the Hiogo Consular District, but Hall asks, but Hall asks, would it be worth while the expense of sending his Constable down, & bringing Fegan up? Hall asks Wilkinson for his instructions, but W. thinks it is a question for the Executive, rather than for him, and has suggested that I should take your view of the point. Hall writes to W. but the latter thinks it is not for him to decide the point. He thinks it would be as well to let Fegan carry out his employment where he is, and earn money.

I presume Fegan is unlikely to return to Kobe, - if there is no mistake about his being at Okayama now.

Yours very truly,
James Troup

Satow's answer to Troup (draft)

15.2.98

My dear Troup,

In ans. to yr. note of yesterday abt. Fegan, I think you shld. request Hall to send his constable to Okayama to arrest him with the aid of the Japanese police & bring him to Yokohama to undergo imprisonment in accordance with the order of the Court.

Impress upon Hall the absolute necessity of the assistance of the Jap[ane]se police being obtained, as his Constable cannot effect the arrest except on the public highway. There was an official row once in consequence of the Kobe constable making an arrest in a Japanese inn.

When I receive an official report on the matter, I will officially authorize the expenses, & I think it wld. be as well if you at once wrote to me officially reporting the circs. of the case.

y.t.

E.S.

70. Troup to Satow

Yokohama,

Feb. 18. 1898.

My dear Satow,

This morning I have received a note from Hall, in which he says:-

“This afternoon (Feb. 16.) I got a note from the Kencho [prefectural office] telling me, as the result of the enquiries made at my request, that Fegan is not at Okayama, as the police thought. There are two foreign youths with the marionette show there, but neither of them is Fegan. I will keep a look out, as far as possible through the Japanese

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

police. The Municipal Police here, - for any intelligent work, - are almost useless. Sergt. Toms[?] has just been dismissed for drunkenness after repeated warnings etc.”

Hall is working in conjunction with the Japanese Police.

There is one thing in your note of the 15th which I ought to have noticed before, - but I had overlooked the fact that in the (modified) Order of the Court which went to Kobe, the authority & instruction is to imprison Fegan in Kobe ; so that the expense of bringing him up here would be avoided, - in the event of his being found in the Hiogo District.

I cannot, therefore, of course request Hall to send Fegan up here. He must abide by the terms of the Order.

I doubt, however, if Fegan will be found in Japan.

Yours very truly,

James Troup

71. Troup to Satow

Yokohama,

Feb. 19. 1898.

My dear Satow,

You may be interested to see the enclosed private note which I have had from de [J. Batalha de] Freitas, the Portuguese Ch. d’Aff. & Consul G[enera]l. It seems strange that the Minister of Foreign Affairs [Ōkuma Shigenobu] should have made such difficulties about his seeing his national in prison, while he was undergoing trial.

The prisoner, as de Freitas says, is now in the Kanagawa prison. I visited the prisons here this week, - Forster with me; and came across the Portuguese.

We went to the prison at Kobe[?] to see if we could find anything about the detention of suspected prisoners. Forster is working up some notes on the subject, - and is also on the track of individual cases. The latter will involve money expenditure.

Yours very truly,

James Troup

Please return to me de Freitas’ letter.

72. Troup to Satow

Personal

Yokohama,

Feb. 21. 1898.

My dear Satow,

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

I am anxious, if possible, to fix the date of our departure, and the route by which we go. We are hesitating between the Suez route & Canada. If we got away in April we would probably go to Marseilles, as we have thoughts of going to Switzerland.

I have not been in communication with Baelz again since I wrote you about the vacating of our house. Wheeler has been asking me about our arrangements. It has taken the form of neuralgia for some weeks.

There is plenty to do in the Consulate, - and whether Forster would find it burdensome to carry on for a while, I am hardly able to say. No doubt he would do his best if left in charge. As far as his being competent to take charge, - of that I have no misgiving. He is quite equal to that.

Yours very truly,
James Troup

73. Troup to Satow

British Consulate Genl.

Yokohama

Feb. 25. 1898.

My dear Satow,

Thank you for your note just received. The reply to my application is quite what I would wish; for although I have felt, on some days, as if I were quite regaining my strength, on others I am prostrated again and not good for any real effort.

I have taken our passages for May 6th; but I am writing to the C.P.R. agent this afternoon asking him to let me know if he can put us down for a good cabin on April 13th, instead. I shall let you know the result later.

My wife & I thank you for your kind invitation to stay the last few days at the Legation.

Yours Sincerely,
James Troup

P.S. I shall keep this private for the present.

74. Troup to Satow

British Consulate Genl.

Yokohama

Feb. 25. 1898.

My dear Satow,

Since writing my former note to you of today, I have engaged passages for us by the

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

“Empress of China” leaving Yokohama on April 15th.

Yours Sincerely,

James Troup

75. Troup to Satow

[ans 3/3]

Yokohama

Mar. 3. 1898.

My dear Satow,

I have to ask you if it would be possible for you, in the probable eventuality which I am about to mention, to lend me [First Class Assistant Arthur Hyde] Lay for a day or two next week.

The adjourned hearing of the case in the Japse. Court for the death of Kennedy carries on on Weds., the 9th & Forster goes to watch it. I am waiting for the arrival of certain steamers to enable me to get shipmasters to sit on a Naval Court, to investigate the circs. of the “Borneo” collision. There being no ship-of-war here, I am reduced to sitting with merchant shipmasters only; and as steamers stay here for such a short time, I must hold the Court when I can get shipmasters. These steamers are expected on the 7th, - and the Naval Court would therefore, probably, be sitting on the 9th (and other day or days).

I have also to use Rentiers as Clerk of the Court (there being no ship-of-war to furnish a clerk). Kircher, the Second Constable, is Provost-Marshal of the Naval Court; and Hodges, I regret to say, is ill. He is at Kowakidani [Hakone], by Wheeler’s orders, - and I am rather concerned about him, - as the last accounts of him are that he is not well yet. It is a sort of nervous prostration, - & he has been getting thin lately. Chalmers is good enough to lend us a hand (by [? Illegible word], of course) when he is free & we are busy on the Consular side; but I shall require him too to interpret in the Naval Court when the Japanese witnesses are called from the other colliding Str.

I would merely ask for Lay to be in the Consular office to meet the public. There is always somebody calling about something; and Lay knows the work. Without somebody extra, I would probably have no aid at all, for a time, in the General office of the Consulate.

Yours very truly,

James Troup

P.S. Forster suggests that Lay should watch the Kennedy trial on Weds. Forster being Pro-Consul here would be more useful in the Cons[ula]te; and the advantage that would arise from Forster continuing to watch the trial might be counterbalanced by the want of

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

the services of a Pro-Consul here, - wh. are required daily. J.T.

76. Troup to Satow

[ans 5/3]

Private

Yokohama

Mar. 4. 1898.

My dear Satow,

I would propose, towards the end of the month, appointing Rentiers to be Pro-Consul here, - the appointment to take effect from the date on which Forster assumes charge of the office. It would be quite impossible for the person in charge to get on without another officer being also clothed with notarial powers. The F.O. disapproved of both Forster and Rentiers being made Proconsuls; but R. would be proconsul only while F. was in charge.

There is also another matter which I should like to mention, in anticipation – Forster, in talking of the Trade Rep[or]t, referred to the difficulty of having it and the Trade tables copied while he has only one assistant. Would it be possible to arrange to send up the drafts of the Trade Tables and of the Trade Report to the Legation, - to be copied by some of the students? That would be better than having a student to waste time in coming down here. Of course two copies of these things are required, - one for the Leg[atio]n & one for the F.O.

I may say that I have got together a good deal of material for the Rep[or]t, and more is being got; but Forster will have to piece it together, & forward. Rentiers has been & is engaged in writing paragraphs on certain articles of Trade, - on the model of previous reports.

Yours very truly,

James Troup

77. Troup to Satow

Yokohama

Mar.7. 1898.

My dear Satow,

I have been looking forward to handing over to Forster on March 31st. It would make a complication for me to continue after that; and, personally, I shall be very gald to hand over, so as to allow me a little time to complete my arrangements for leaving. I am, in fact, not at all “fit” now.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

Referring to the subject of my previous note, - I shall be glad if you will direct Lay to appear here on Wednesday, to watch the Kennedy case in the Japanese court, in place of Forster. I shall give notice to the Prest. of the Court to the effect that Lay appears on my behalf in place of Forster.

Yesterday (Sunday) morning, a man belonging to the Br. ship "Garnett [Garrett?] Hill" was picked up in the Japse. town, near the Yoshiwara, dead, with his skull battered in. I am opening an Inquest on the body. What with this, and the prospective Naval Court, I shall not be able to spare Forster to watch the Kennedy case.

Yours very truly,
James Troup

78. Troup to Satow

[ans 10/3]

Yokohama,

Mar. 9. 1898.

My dear Satow,

I think that when I first mentioned to you the fact that a man had been found dead in the street in the Japanese town here, on Sunday morning, I said that the man had been found "with his head battered in". I based this statement on that of the Constable-Usher who reported the matter to me using these words and who had seen the body, before reporting to me.

The Inquest has disclosed that the heads was not "battered in", - and the Constable-Usher has explained to me that his statement was based on that of the Japse. Police Interpreter, who had said the head was "broken". The Constable had seen the dead man, but had not, he said, closely examined the head.

You will no doubt have seen the newspaper reports of the case. That in the "Mail" is the only one I have seen. It is fairly correct.

Perhaps I ought to say that I have called the attention of the Prefect of Kanagawa to the action of the Policeman in having allowed the man to lie in the street during the night.

I have to thank you for sending Lay. I shall not require him on Friday as I can send Forster. The decision of the Court is to be given then.

Yours very truly,
James Troup

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

79. Troup to Satow

Yokohama,

Mar. 10. 1898.

My dear Satow,

I wrote officially yesterday to the Chiji [prefectural governor 知事], calling his attention to the fact that the Policeman Kojima Hirotsuna allowed Crooke to lie exposed in the street throughout the night, and that the latter was found there dead in the morning, from exposure.

I have now specially asked the Chiji to inform me what steps have been taken with respect to the conduct of the policeman, - and shall send you a copy of the corresp[onden]ce. when I get his reply.

Yours very truly,

James Troup

80. Troup to Satow

[ans. 11/3]

Yokohama,

Mar. 10. 1898.

My dear Satow,

A question has been put to me by a resident here as to protection of Trade Marks and patents of Australians. I am not aware which of the Australian Colonies have given in their adherence to the new treaties, - and would be glad if you can tell me, - and, in particular, whether New South Wales, Queensland and Victoria have done so.

I am,

Yours very truly,

James Troup

81. Troup to Satow

Yokohama,

Mar. 11. 1898.

My dear Satow,

Lay has just returned from the Japanese Court and reported to me that Nagai Kato, - the man who killed [Thomas] Kennedy [see Letter no. 52 above] has been sentenced to nine years major imprisonment and to pay the expenses of the trial. Sentence passed under Art. 299 of the Criminal Code. This appears to me to be as much of a sentence as was to be expected, and as would be inflicted by the Court.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

I cannot help thinking that the act of Nagai Kato would have been held to be murder by an English Court, - whether the sentence would have been reduced from the capital one or not.

Unless you take the view that a more severe sentence should be inflicted, I do not propose to move the Kenji on the matter. From my conversation with him before the trial, I think this sentence will meet his views.

I believe Nagai Kato can appeal, - and has five days to lodge his appeal. I send this by special messenger.

Yours very truly,
James Troup

82. Troup to Satow

Yokohama,

Mar. 12. 1898.

My dear Satow,

I wrote yesterday evening for a copy of the sentence on Nagai Kato, - but have not got it yet (noon). I have seen the Procurator, Kitaōka, who has had charge of this throughout, - and he is to try to get me the copy today. The Judges were not at the Saibansho, when I called. Akiyama the Prest. has just been replaced by another man.

I had a talk with Kitaōka on the case. Perhaps I ought first to say that I had a pretty exhaustive talk with him on the case a good while ago. In Decr. last I wrote to the acting Ch. Kenji [Chief Prosecutor] in terms of the enclosed draft (wh. please return.) In response to this, Kataōka [Kitaōka?], who had charge of the case, called on me, and detailed pretty fully the evidence on which the charge was laid.

I saw from this that the charge of Premeditated Killing was untenable – as Nagai Kato was not the man who had previously threatened Kennedy – and no connection between the two could be established. Nagai was one of a crowd which had gathered on that particular night. The man who had threatened Kennedy was a boatman, - & I think a jinriki-sha [rickshaw 人力車] man had also done so.

There remained the question of Intentional Killing (kosatsu). I pointed out to the Kenji that intentional killing might certainly be expected by such a piece of wood as Nagai was understood to have used. (It was four or five feet long, - and pretty thick – but such as could be grasped by both hands.) The Kenji could not take the view that the use of such a weapon implied intention to kill, - and today he had the same view. He told me today that he had done his utmost to get a sentence such as has been imposed, - and said he could not expect more. The Judges had differences of opinion about giving

so much. He further said that no one had seen Nagai actually strike with the thick stick, & he had only confessed to striking with bamboos.

I might have had the evidence from the Kenji, in Decr., on which the Yoshin-Hanji (juge d'Instruction) ²⁴ had arrived at his decision but unfortunately I did not ask for it. I was under the impression that the evidence would be taken again at the trial. This is not so, however; the Judges at the trial go upon the evidence taken by the juge d'instruction. On Feb. 25th, I asked Akiyama for a copy of the evidence (this was after the first sitting, at the trial), - but I have not got it. So I have had to depend on what the Kenji has told me. At the trial Dr. Munro was asked some questions (none pertinent to the wounds on the head, he tells me), - and the prisoner was examined, - as reported to me by Forster. Forster says the account in the papers is correct, as far as he can judge.

The Kenji explained to me that the Judges at the trial form their own opinion, from the evidence, taken by the juge d'instruction, (which is in their hands), the examination of the prisoner, &c., as to the crime. No charge is laid, in our manner. So that when I suggested to him, in Decr. last, that he should lay a charge of Intentional Killing (kosatsu.) - so as, at least, to leave it open to the judges to convict of that, - he said such a course was unnecessary - they formed their own view of the crime from what was before them.

The grounds, as I understood from the Kenji today, why the crime was not held to be a capital one, are - that the piece of wood used or believed to be used, was not such as to imply intention to kill (not a lethal weapon, as we would say). Further, that there were doubts about Nagai having used this piece of wood, - as no one saw him use it.

6 p.m.

I have not got the copy of the sentence yet. If it reaches me tonight or tomorrow, I shall send it up by special messenger.

Yours very truly,

James Troup

I learn that Akiyama, Ex-Prest. of the Saibansho, has joined Lowder as a practising barrister, - at least I am told so by Rentiers, who has it on good authority, I believe.

I had to put off summoning the Naval Court, as I could not get shipmasters to sit; but I have summoned it for Monday. That is on the "Borneo" collision. J.T.

²⁴ The office of *Yoshin hanji* 予審判事 was abolished in 1947 when the post-war Constitution was promulgated. (*Kojien*) The pre-trial system had been established by the French lawyer and adviser to the Japanese government Gustave Emile Boissonade in 1880.

83. Troup to Satow

[ans 16/3. write officially]

Yokohama,

Mar. 16. 1898.

My dear Satow,

The ex-writer has put the enclosed into my hands. I fear nothing can be done for him. His only claim to assistance would, I think, rest on the length of his service. He had rather an easy billet of it while he was here, and was well enough paid. His English was not good enough to be of any practical use, - and his Japanese was always (since I knew him) halting, - I mean anything about the deciphering of any written difficulty.

I did not know how he came into the service. His dismissal may have appeared to him to be sudden in a way; but I had long before that wished to get rid of him, and only kept him because he had been so long here, and I did not know how to get him out.

However, it would look well if the Brit. Govt. gave him a small gratuity on his leaving.

Yours very truly,

James Troup

84. Troup to Satow

Private

Yokohama,

Mar. 18. 1898.

My dear Satow,

I ought to let you know at once that we have postponed our departure from Yokohama until the "Empress" str. [steamer] of May 6th. My wife has been confined to her room since Saturday last with what Wheeler terms an influenza catarrh; but there can be no doubt there is a touch of pleurisy in it, which has shown itself today more than previously.

This, of course, has put a stop to our domestic preparations for departure; and we could not now get out of our house in time to admit of the auction taking place & settling anything up before Apr. 15th. Besides, my wife will require time to recruit [recover] a bit before going to sea, as she is so bad at travelling. So we have settled this postponement today. Until I am clear of the office I have little time to see to private matters.

I understand that Nagai Kato has appealed in the Kennedy case. They are sending us a copy of the evidence from the Yokoh. Saibansho, but as the appeal necessitates the

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sending of the record to the Tokio Ct. of Appeal they will not be able to let is have the copy just yet. – I hope you will be able to spare Lay to watch the case on appeal; it will be impossible for Forster to go without serious inconvenience. Perhaps I ought to see the Appeal Ct. Procurator before it comes on.

Yours very truly,
James Troup

85. Troup to Satow

Private

British Consulate Genl.

Yokohama,

Mar. 22. 1898.

My dear Satow,

I have been considering again what you said about my remaining in charge after March 31st. To make it go as smoothly as I can make it with Forster, I would rather assist him privately, with such things as reducing to shape some materials which I have for the trade report, - and anything else on which I can advise him.

It is the pressure of keeping up to time which upsets me. If he were in harness with the current work, - anything I did for him would be more at my own time. Neither would this tie me closely to place. We must leave our house, say, about the middle or third week of the month, to give time for the auction and for my settling up about private things before we leave. If I remained in charge while these things were on hand, I should not be able to keep up to time.

If we can arrange it, I think of going down to Dzushi for a few days, to get my wife up, when she is about again, & our things which we are taking with us or sending home are packed out of the house.

Yours very truly,
James Troup

We would come to you later, if convenient to you, - i.e. just before our leaving Japan.

86. Troup to Satow

Private

Yokohama,

Mar. 29. 1898.

My dear Satow,

Before seeing your note to Rentiers, about his transfer to Nagasaki, I was about to

write on a matter affecting the arrangements here.

You know, I think, that Hodges ²⁵, the Constable-Jailer, has been ailing for some time. His late trip to Hakone did not do him any permanent good. Wheeler spoke to me at length about him this morning, and says he must go on three months' leave from the month of May, - I presume the latter part of May is meant.

Hodges came out as a Legation escort man, in 1867. He became Constable-Usher here in 1873, and Constable-Jailer in 1886. Since he joined the Consulate, Wheeler tells me he has had little or no change. Since I came here in 1888 I do not recollect of his having had more than one or two days holiday at a time, - and only once before this spring do I recollect of his having gone into the country at all. I have always offered him a holiday in the summer or autumn, - but he has declined. I think the expense had something to do with it. Wheeler thinks of getting him to take a trip in a schooner which trades to the Pacific Islands.

Hodges has for many years practically run the shipping office. Besides the ordinary routine, - such as engagement and discharge of seamen, care of sick seamen, Board of Trade Accounts &c., - Hodges knows how to deal with seamen, - and has much tact in arranging disputes, - thereby saving the Consul from personal intervention.

I was going to suggest that it would be desirable for Forster to have two assistants before Hodges was released. The second Constable cannot do much in the shipping office, - he has plenty to do as Usher, & with Passports, protesting bills, registration &c. - and is, besides, not at all the man Hodges is in dealing with people, nor does he know about B./Trade matters much yet.

I must say, privately, that I think the change to Nagasaki will do Rentiers good. It will compel him to take more interest in office routine, where there is no one else to do it.

On consulting with Forster on the situation, he says he thinks that with Parlett here they could get on, - even with Hodges on a holiday - so long as the second Constable held out. But if he gave in (and he is not always up to the mark) it would be impossible to get through.

Yours very truly,
James Troup

²⁵ Hodges, George, born January 21, 1844. Was a member of the Metropolitan Police, London, from 1862 to 1867, and of the Legation Escort at Tokio from February 7, 1867 to April 3, 1873, when he was transferred as Constable to the Yokohama Consulate. Granted a special certificate by the Civil Service Commissioners, August 21, 1877. Acting Usher of the Court for Japan, 1879-86. Acting Chief Clerk 1888-9. Became Shipping Clerk to Yokohama Consulate, November 1, 1899. Retired on a pension, January 21, 1914. Died at Yokohama, May 22, 1916. [F.O. List, 1917]

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

87. Ralph G.E. Forster to Satow

Yokohama.

March 30. 1898.

Dear Sir Ernest Satow,

Will you allow me to offer you my grateful thanks for your kindness in giving me the Acting appointment here. I esteem it a great favour and trust that I shall discharge the duties to your satisfaction. I am hoping to be able soon to complete a Report I have been compiling on the Jap'se system of detention of suspects & criminals, but I have been so much interrupted lately that I have had no time to go on with it.

Your's very truly

Ralph G.E. Forster

88. Troup to Satow

Yokohama,

March 31. 1898.

My dear Satow,

We have received a reply from the Prest. of the Kōsō-in, Tokio, to the effect that facilities will be afforded Lay to watch the case of Nagai Koto on appeal (Kennedy case). The date of the Hearing on appeal has not yet been fixed.

Yours very truly,

James Troup

89. Forster to Satow

Yokohama.

Saturday. [No date]

Dear Sir Ernest Satow,

I spoke to Mr. [William T.] Payne, Agent of the C.P.R. and asked him to take charge of a letter to Shanghai. He said that he would gladly do so and would hand it himself to the Captain of the "Empress" with instructions to deliver it personally to the Agent of the Company at Shanghai who would see that it was safely delivered to the Consulate-General. I think that his handing it to the Captain may be better than my doing so; unless therefore, I hear from you to the contrary I shall adopt this means of forwarding your letter to the Admiral. I am also asking Mr. Payne to have the letter to Parlett taken on board by the representatives of the Company, who first goes off to the "Empress" on her arrival. We have been very busy setting accounts etc. in order before Rentiers' departure but all is finished now.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

Your's very truly
Ralph G.E. Forster

90. Forster to Satow

Yokohama.

April 14. 1898.

Dear Sir Ernest Satow,

I am very sorry that being busy with a number of letters for the Canadian Mail, I forgot to answer your note yesterday.

I think it would be a very great convenience to have a Clerk, as we have a good deal of copying in prospect and Dr. Wheeler says that it is absolutely necessary that Hodges should have a change. Kircher, the Second Constable, is so much out of doors, serving summonses, protesting Bills etc. that he has little time to attend to work in the office. We are just starting on the Trade Report. I sent a telegram to Admiral Seymour to Chifoo, on the 12th inst., on the subject of the Navy Coal here, but have received no reply and am consequently in doubt whether it reached him.

Your's very truly
Ralph G.E. Forster

91. Forster to Satow

Yokohama,

April 25. 1898.

Dear Sir Ernest Satow,

I received a visit this morning from a Mrs. Agnew, who stated that she was a correspondent of some home newspaper. She put me a great number of questions with regard to the new Customs Tariff, which I answered after referring to the B/Trade statement on the new Duties forwarded in Mr. Lowther's Desp. Conf. No. 39 of the 31st Aug. last. She practically gave me to understand that I did not know what I was talking about as what I said did not correspond with information she had received from an excellent source. Amongst other things she enquired what the Duty on Glass was. I told her that according to the Supplementary Convention the Duty was 0.302 grm. per 100 sq. feet, when she replied "that is then 30 per cent"! She also asked me what Supplementary Convention I referred to, to which I replied that signed at Tokio in July 1895. She then said what is the good of referring to a Tariff of 1895? What I want to know is what is the Duty under the Tariff which was to come into force on the 1st July 1898, but which has now been postponed till Sept. 1st 1898. I told her I was not aware

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that the new Tariff was coming into force on that date at which she seemed to be surprised at my ignorance. She said that she knew you personally and regretted she had not time to go and consult you on the matter. She also asked for information as to the Import Duty on Dried Fish of which there was a large export from Hong Kong to Japan. I again expressed my ignorance on this subject; needless to say that there is a large Export to Hong Kong but no Import. She refused to say who her informant on the subject of the Duties was and appeared to regard with great suspicion my remark that the information I was giving her was based on the highest authority I knew of. She will doubtless have a scathing article on the ignorance of the subject shewn by me, so I think it best to lay all the facts before you whilst they are fresh in my memory.

Your's very sincerely

Ralph G.E. Forster

92. Forster to Satow

Yokohama,

April 29. 1898.

Dear Sir Ernest Satow,

I today received a letter from Mr. Mansfield stating that he received your letter for the Admiral on the 18th inst. and was forwarding it in the special case of the Captain of a British Steamer.

In connection with my message by telephone to you this afternoon, a point arises with regard to such services as Protesting Bills in Tokio, viz the payment of travelling expenses and also whether Fee No. 90 should be charged in such cases. My reason for asking you to allow MacDonald to present a Bill for Acceptance was that as there is a case in Court tomorrow, Kircher could not well get away. I presume however in future Bills should be protested by the officials of this Consulate-General. Fee No. 90 has never been charged for protesting Bills in Yokohama and I do not propose to charge it, unless you should think proper. Travelling expenses will however in ordinary cases have to be paid by someone when Bills are protested in Tokio, unless some arrangement can be made that [Legation Escort Constable Angus] Macdonald may in such cases act as a Clerk of the Consulate-General. Owing to the Race Holidays, I have not had an opportunity of ascertaining the views of the British community on the subject of the revision of the Fee Table, but I hope, in a day or two, to forward you my report. Personally, I think the conversion of the Sterling Fee Table into Yen at 2/- far the better plan.

Very many thanks for your kindness in securing an invitation to the Garden Party [of

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April 23rd – see Satow’s diary] for my wife. We were disappointed at the weather turning out so unfavourable. I am going to call on Dr. Hoskyn this afternoon and will represent your views to him on the subject of Garden Party invitations.

Your’s very sincerely

Ralph G.E. Forster

93. Forster to Satow

Yokohama,

May 4. 1898.

Dear Sir Ernest Satow,

I have received a letter from the Act[in]g German Consul-Gen’l stating that he has received a complaint of a theft by a German sailor serving on board the Br. S’g Ship “Ancenis” [?] from the Chief Procurator here and asking me, in the event of the man being really a German, to have him brought before his Court. I considered it right to mention the matter to Mr. Wilkinson and he advises me to submit the matter to you. Mr. Wilkinson says that he considers the British Court has jurisdiction in the matter as well as the German Court. Hodges tells me that the general custom has been that in cases of crime on shore, the criminal has been handed over to the Consul of his own nationality. The theft in this case was committed on shore, and as the German Consul is apparently willing to take cognizance of the offence, it would appear simpler to hand the man over to him, if you consider this course a proper one. As the German Consul states that according to the Procurator’s letter the man is now serving on board a British vessel, it would appear to be the custom of the Japanese officials to first address the Consul of the nation to which the accused claims to belong, without reference to the nationality of the ship on which he may be serving, if the offence is committed on shore. I enclose the German Consul’s letter in order to save time. Mr. Wilkinson considers that as the question is one that might have important bearings, it is better that I should consult you before replying to the letter.

Your’s very sincerely

Ralph G.E. Forster

94. Forster to Satow

Yokohama,

May 5. 1898.

Dear Sir Ernest Satow,

I had an interview with the Act’g German Consul-Genl. this afternoon and we

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(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

discussed the question of the jurisdiction that arises with regard to the man I wrote to you about. He says that if the man Raymann cannot produce papers to prove his nationality, he will not accept the jurisdiction. I am accordingly sending Kircher off to the Ship tomorrow to make the necessary enquiries. If the man should have the necessary papers, Mr. Kallen says that under his instructions he is bound to claim that the man be handed over. He added that he was practically sure that if he refused jurisdiction, the Japanese would claim it themselves. The whole case would appear to hinge on the point of the offence having been committed on shore. I am going to see Mr. Kallen again tomorrow morning and he is going to shew me all the Instructions and Correspce. that he has on the point. The U.S. Consul-General of course holds the view that the Flag determines the nationality, but Mr. Kallen tells me that his instructions are that in the case of offences on shore, he is to exercise jurisdiction over German Subjects serving on Foreign Vessels. I shall write to you again tomorrow after I have seen Mr. Kallen.

Your's very truly

Ralph G.E. Forster

I should add that Mr. Gowey the U.S. Consul Gen'l. told me that Mr. Keil had made no complaint to him and the inference is that the Japanese are themselves taking up the prosecution. I shall doubtless be able to gain information on this point from the letter of the Procurator to Mr. Kallen. I learn from the Captain of the "Ancenis" that after Raymann had been ordered on board his ship by me on the 25th, he met him two days afterwards on shore and on the Captain's asking him why he had not come on board said that he had been locked up in jail in the interval. He said he could not remember how it was he got there. Whatever the real facts may be, nothing was known at the Consulate of the man having been in custody.

95. Satow to Forster (draft noted on Forster's letter)

6/5

My dear F.,

It wld. be very inconvenient if there were any danger of the Japse. claiming jurisdiction, & everything possible shld. be done to avoid giving them an opportunity.

H.M.G. or the L.O. [Law Officers, F.O. legal advisers] have held two opposite opinions: one that the sailor onshore is under jurisdiction of the flag, the other that he is under the jurisdiction of his nationality. So whether you give the man up to your Germ. Coll. or not, no one can find fault with you. It cannot be held that you have positive instructions.

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So I am inclined to come back fr. what I wrote in haste the day before yesterday, & to leave the point to your discretion.

If however the Germ. C.G. finds out that he cannot assume jurisdiction, you may have to do so, tho' at present it seems there is no prosecutor.

Shld. the Japse. Auth. try to assume jurisdiction and ask you to hand the man over, on the ground that he has no proper nationality, you should first consult the judge & then refer to me before acceding to the request, just sending them an 'accusé de reception' [acknowledgement of receipt] with otte go henji itasu bekisoro. [I shall reply later.]

y.v.t.

E.S.

96. Forster to Satow

Yokohama,

May 17. 1898.

Dear Sir Ernest Satow,

Referring to the subject of the charge brought against a man serving on board the Br. S'g. Ship "Ancenis", I yesterday received a letter from the Chief Procurator asking me to investigate the matter. It appears that after receiving the reply from the German Consul that the man was a U.S. Citizen, the Procurator applied to the U.S. Consul to take cognizance of the case. The latter however replied that as the man was duly enrolled in the articles of a British Ship, the jurisdiction was vested in the British Court. The Procurator accordingly after 1 week's delay forwarded the complaint to me. The case is to be heard tomorrow at 10 a.m. Owing to the death of the Chiji [prefectural governor 知事] the Kencho [prefectural office 県庁] seems quite disorganized and I am at present without any information on the subject of the Crematorium, resp'g which the Col. Sec'ty requires information.

Mr. Cope called this afternoon and I communicated to him the substance of your Desp. respecting his claim. He said that he had been approached by the Japanese about 1 week ago to accept ¥8,000 in full satisfaction of his claim. He asked me what more he could do in the matter and suggested that he had better call and see you. I pointed out to him that as I was informed by you that no instructions had been received from the F.O. on the subject at the Legation, but still the Japse. appeared to be aware that the matter was still on the tapis, the inference was that negotiations were going on between the F.O. and the Japse. Min'r in London. He then asked me if he could write to Lord Salisbury and I told him he could if he considered it advisable.

I think it very probable that he will call on you, as he said he had known you for 35

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years, so deemed desirable to let you know exactly what passed between us.

Your's very truly
Ralph G.E. Forster

97. Forster to Satow

Yokohama,

May 18/98.

Dear Sir Ernest Satow,

Ground Rents in Yokohama; although stated on the Title Deeds as payable in Mexican Dollars, have, as far as I can learn, been paid in Japanese Yen since the date of the coming into force of the gold standard, i.e. Oct. 1st last. The ground rent on the Consulate and Gaol lots were so paid, and I hear of several cases of private landowners having paid their rent in yen since that date. I have never heard the subject mentioned here. The system of payment of ground rents here differs from that at Nagasaki. Here the ground rent for 1 year is paid in advance from the date of the issue of the Title deed, and is payable on the same date in each succeeding year. In Nagasaki however, Ground Rents are all payable of the 1st April, and a land renter taking up a lot in the course of the year pays the proportion of ground rent for the period up to the end of the financial year, March 31st, and the full ground rent from that date onwards. E.G. a landrenter taking up a lot on the 1st Oct. would pay on that date 6/12 of the total ground rent whereas, in Yokohama, he would pay the whole of the Annual Rent. In view of this difference of custom, Land Renters here have been paying their Ground Rent, when due, since Oct. 1st last in yen without discussion, whereas in Nagasaki when everyone is paying his ground rent at the same time, the question of Mexican Dollars versus Japanese yen has probably formed the subject of much conversation. As far as the payment of ground rents in Nagasaki is concerned, I can safely say that during all the time I was there no rents were ever actually paid in Mexican Dollars: the Jap'se silver yen had the same value as the Mexican Dollar and payment was always made in Jap'se currency, at least as far as I am aware.

The man from the "Ancenis" failed to put in an appearance this morning in answer to the summons, so I issued a warrant for his arrest and adjourned the case till tomorrow. I shall send you a report on the subject as you desire.

Cope certainly returned an evasive answer to my questions respecting the Japanese who had offered him the \$8,000, although he reiterated the fact of that sum having been offered him.

Your's very truly,

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Ralph G.E. Forster

98. Forster to Satow

Yokohama,

May 19. 1898.

Dear Sir Ernest Satow,

I am sending you my report on the case of the man from the "Ancenis" by this evening's messenger.

Whether the absence of a prosecutor yesterday was intentional or not, I don't know, but I considered it most advisable, in view of all the circumstances of the case, to make the Jap'se appear in as official way as possible in the capacity of prosecutor, so I wrote to the Chief Prosecutor accordingly.

I am also sending you an Official [despatch] respecting the mistake made by the Shipping Clerk in the Consulate Gen'l at New York in regard to Rayman's nationality. The question of the nationality of aliens is, as you are aware, a very important one. For instance in the case of alien seamen discharged on account of venereal sickness, the B/Trade [Board of Trade] instructions are that they are to be handed over to their own Consular authorities. The explanation given by Rayman of the mistake in his nationality is, in my opinion, a highly credible one. I have often noticed that in the column of the Agreements headed "Nationality", the place of birth is given, which, as in the present instance, may be quite misleading with regard to a man's nationality.

Your's very truly

Ralph G.E. Forster

99. Forster to Satow

Yokohama, May 21. 1898.

Dear Sir Ernest Satow,

I am forwarding to you herewith copies of two queries which we have received here from the B/Trade, on the subject of expenses incurred on behalf of alien seamen suffering from Venereal Disease. Although these Queries distinctly instruct us that we are to hand over aliens suffering from such diseases, the B/Trade has never issued a supplementary instruction on the subject in the form of a Circular. I recently handed over a Dane to his Consul under these circumstances, but the man happened to have a balance of wages of over \$300. If he had been destitute, the case might have been very different. The letter dated Jan. 21. 1891 alluded to in one of the queries reads as follows:
- x x x "The Board desire us to state illness arising from venereal disorders should not

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be held to be caused by the Seaman's own wilful act or default within the meaning of Section 8 of the Merchant Shipping Act 1867 and that you should therefore be guided by paragraph 101 of your Instructions in dealing with such cases."

It is rather difficult to reconcile the view taken in the Queries with the foregoing, when it is stated in the Agreement between Great Britain and Sweden-Norway (Foot of page 108 of Instructions of '88) that the liability for the relief of distressed seamen shall be excluded (only) on account of illness resulting from the Seaman's own fault.

I shall take an early opportunity of speaking to the Governor on the subject of the Ground Rent of the Consulate and Gaol lots.

Your's very truly
Ralph G.E. Forster

100. Forster to Satow

Yokohama,

June 2. 1898.

Dear Sir Ernest Satow,

I asked Mr. [William] Cowan [Inspector of the Office of Works for China, Korea and Japan] to take charge of your letter to the Admiral under cover to Mr. [Byron] Brennan [British consul in Canton]: the "Gaelic" had unfortunately left before I received your note.

I am very sorry to trouble you but I have received a great number of further enquiries from British Firms here as to when the New Tariff can come into force. I understood from you that it could not be enforced prior to the ratification of the Austrian Treaty. Most of the enquiries I receive are "When the Austrian Treaty is likely to be ratified?" and "How soon after its ratification can the new Tariff come into force?" I see that according to the Tariff Law, Notice of Amendments to the Tariff will be published 6 months before they are enforced. Have the amendments under the French Conventional Tariff been so published? If there are Amendments under the Austrian Treaty, I presume the notice of them will be given immediately on its ratification. I fear that I am sadly trespassing on your time in asking all these questions, but it is very difficult to keep track of the actual state of affairs, when occupied in so many different ways.

Your's very truly
Ralph G.E. Forster

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101. Forster to Satow

Yokohama,

June 3./98.

Dear Sir Ernest Satow,

Very many thanks for the information respecting the Tariff: I am now in a position to give the information for which I have been so often asked.

From a conversation I had with a Frenchman who was staying here for a few days prior to going to Vladivostock, it would appear that several mining enterprises are to be started in that neighbourhood with French capital. My informant, Mr. Chaffanjou[?], a French mining expert, is now on his way to Vladivostock to make the final surveys in connection with a coal and an iron mine. If his report should be satisfactory, the work will begin at once. It appears that the Capital is to be provided by a large and influential French syndicate. The coal mine is not far from Vladivostock and is said to be excellent steaming coal. I remember some years ago being shown some specimens of Vladivostock coal, but the difficulty of transport prevented much being done in it. Now that the railway is available however, the coal mine, if a success, may have considerable influence on Eastern affairs. I shall try to obtain further details on the subject.

Your's very truly

Ralph G.E. Forster

102. Forster to Satow

Yokohama, June 13th.

Dear Sir Ernest Satow,

Acting under the permission you granted on the last occasion, I have forwarded a Bill to MacDonald to be presented for payment to a Japanese Firm in Tokio. I hear from the Commander of the "Humber" that a number of ships are coming here next month. As I telephoned to you today, I received a telegram stating that the "Powerful" will be here on Thursday.

Your's very truly

Ralph G.E. Forster

103. Forster to Satow

Yokohama,

June 16. 1898

Dear Sir Ernest Satow,

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The “Powerful”²⁶ arrived this morning and will stay about one week. I gave Captain Lambton your message, but he says he is going up to Nikko on Saturday or Sunday and may not be back in time to call on you. I am intending giving the secret desp: and Roll for the Admiral to Captain Lambton when I return his call tomorrow morning. Captain Lambton tells us that he is returning to Weihaiwei from here, so I think there will be little delay in sending the Admiral’s covers by him.

Your’s very truly
Ralph G.E. Forster

104. Forster to Satow

Yokohama,

June 24. 1898

Dear Sir Ernest Satow,

I did not quite explain myself properly this morning when you asked me about the detention of ships whose Plimsoll mark is submerged. Ships with the Disc so submerged can be detained in the United Kingdom under §459 of the Mer[chant] Shipping Act but a Consul is only instructed by the B/Trade Circular of Aug. 20. 1890 to report infringements of the Load Line Regns.

The Instructions forwarded to me in your Circular of the 25th ult. refer to the undermanning of ships and ships so undermanned can, in the U.K., be detained under §459 but I doubt if a Consul in a Foreign Port would have the power to do so, in fact I am sure he would not.

§61 of the Instructions to Consuls (B/Trade) expressly says that a Consul cannot enforce the engagement of Certificated Officers, although that is compulsory in the U.K.; by analogy, the detention on account of undermanning would also be beyond his powers.

Your question this morning has caused me to consult all the authorities at my disposal and the foregoing is the conclusion I have arrived at. Trusting it may be of some interest to you.

Your’s very truly
Ralph G.E. Forster

²⁶ There have been several ships of this name. This H.M.S. *Powerful* was an armoured cruiser built by Vickers Ltd. at Barrow-in-Furness and launched on July 24, 1895. In 1897 Captain Hedworth Lambton (1856-1929, later Admiral of the Fleet Sir Hedworth Meux) commanded the warship on a posting to China, returning in 1899. On the way home he called at Durban and naval cannon from the ship participated in the defence of Ladysmith. (Wikipedia entry)

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105. Forster to Satow

Yokohama,

July 3 1898

Dear Sir Ernest Satow,

Mr. Gowey, the U.S. Cons: Gen:, called here yesterday to discuss the point raised in your note just received. He said that he had told his Colleagues on the Celebration committee that he did not think that our ships would dress if there were no U.S. ship in port. I told him exactly what our Reglns on the subject are and he said that he fully understood and that he should not have mentioned the matter if it had not been that he had been told that on a previous occasion a British Ship had dressed when no U.S. Ship was present. I believe the whole matter was raised by an article in the "Box of Curios" yesterday. He impressed on me that his visit was absolutely unofficial and that he only came to ask my advice on the point. I suggested that if the Committee wished to clear themselves of the charge of not having made a request that the British Ships should dress, two members (not U.S. Consular Officials) might go and call on the Admiral who would definitely inform them that the Reglns did not permit of the ships being dressed, which would be a full and complete explanation of the matter. Whether this course was adopted I don't know, but in any case Mr. Gowey was perfectly satisfied.

Your's very truly

Ralph G.E. Forster

106. Forster to Satow

Yokohama, July 7. 1898

Dear Sir Ernest Satow,

I enclose a note I received today from Messrs. Singleton Fos[?]. I see by today's [Japan] Mail that Brinkley seems to be of opinion that the new Tariff will not come into force until the 1st Jan. next. With regard to the 1st point raised in Messrs. S. Fos letter. I presume the present system will continue. I am sorry to trouble you again on this matter, but the Jap'se papers refer to some special measures being taken in view of the non-ratification of the Austrian Treaty which may possibly have affected the question.

In my Official today resp'g Hodges' passage money I have stated that his illness insomnia is possibly traceable to the attention which he has given to his duties. For years past, I learn, he has assumed the whole charge of the Shipping Office and the B/T accounts. The latter, as you are aware, demand a great deal of close attention and I can well understand that the continual strain involved by ensuring all the proper forms in every contingency being duly filled up, would tell on a man. Hodges takes great pride in

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his work and I have noticed on one or two occasions, when Queries have been received on the Accounts, he has appeared to feel the reproach on him most acutely. I am hoping therefore that you may be able to sanction the payment of his ½ passage money.

Your's very truly
Ralph G.E. Forster

107. Forster to Satow

Private.

Yokohama,

July 9. 1898

Dear Sir Ernest Satow,

On the morning of the 5th inst., the [Prefectural] Governor sent the Sanjikwan [参事官 a high-ranking official] of this Ken [prefecture 県] Mr. Sugiyama to see me with regard to the failure of the “Hart” and the “Fame” to take notice of signals made to them from the Nagahama Quarantine Station, when entering the Bay. I may add that it is quite unusual for the Sanjikwan to deliver such messages as they are usually conveyed by one of the Secretaries of considerably lower rank. Mr. Sugiyama, who speaks English very well, opened the conversation by saying that the Governor had sent him to see me “on an unpleasant matter”. He then described what had occurred but said the Governor was willing to believe that possibly the signals, owing to the strong wind prevailing, had not been fully understood and as it had subsequently been ascertained thro’ the Yoko: Water Police that the Boats came from Hakodate, he was not desirous of taking any steps further in the matter. He however asked me to communicate with the [Rear] Admiral [Charles Fitzgerald] with a view to the proper observance of the signals in future. He however asked me to communicate with the Admiral with a view to the proper observance of the signals in future. I accordingly addressed a Desp: (Dft enclosed) to the Admiral on the same day. Today I had to go on board the “Barfleur” to see the Admiral about another matter, but found he was on shore. I asked Captain Custance if he knew if the Admiral was sending any reply to my Desp: when he answered that the latter did not appear to necessitate any answer in a hurry; that the Admiral had been away etc.

The impression left on my mind by my interview with the Sanjikwan was that the Governor certainly expected some expression of regret and it seems to me a pity that it should have been so long delayed. I am consequently laying the matter privately before you in case you should hear anything of the matter. In my position I do not feel justified in speaking to the Admiral privately, especially as, (if you will allow me to say so in

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confidence) his manner towards me has been extremely haughty.

Your's very truly

Ralph G.E. Forster

108. Forster to Satow

[first part of letter missing – checked in original file p. 264]

...Quarters here until the paint dries. In this hot weather when one has to have all the windows open it is impossible to get away from the smell. I was a little nervous this morning as I woke up with a headache and nausea but it has happily passed off. We have so many things on hand just now, more especially the Leopold case which promises to extend over some days, that I feel I am justified in asking to move out of my quarters for some days. The Quarters of the Junior Assistant are also being painted, and I do not think it would be advisable that [Thomas Joseph] Harrington should occupy them, until the paint has thoroughly dried.

Your's very truly

Ralph G.E. Forster

109. Forster to Satow

[Ans. 24. Apply for da Silva till Sept. 15. He is not likely to be moved. Cannot give leave to anyone before April next, except in case of sickness.]

Yokohama,

August 22. 1898.

Dear Sir Ernest Satow,

I am forwarding to you herewith ¥30.00 which Hirayama has asked me to send to you, being the amount of his loan from you.

The Portuguese Clerk da Silva has been asking me for information as to how much longer his services will be required. He is a married man with a family and is anxious to know as early as possible the date at which his services will cease. I should much like to keep him until the date of Hodges' return about Sept. 15th. It has occurred to me that possibly his services might be required at some other Consulate as the Service is so shorthanded and several of us are overdue for Home Leave. I have not said anything of this to da Silva of course – but should be glad to know what answer I can give him, so that he may look out for employment if his services are no longer required at a Consulate. It appears that he lost a good chance in being unable to accept a clerkship at the new hotel at Nagasaki, which he tells me was offered but was obliged to refuse as he

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was unable to leave the Consulate. He has proved an excellent hand in the Shipping Office and I willing to do anything that is required of him.

We have had very hot weather the last week or so and the proceedings in the Leopold case were rather irksome in consequence. My reason for telegraphing to know the Admiral's address was that Dr. Hoskyn of the R.N. Hospital said that he had received a long Cypher Tel: for the Admiral and did not know where to send it on to him.

Your's very truly

Ralph G.E. Forster

Will you pardon the liberty I am taking in asking if there is any prospect of my being removed from Yokohama. My reason for doing so is that we should like to take advantage of the workmen being in the house to have one or two little things done to my Quarters to keep out the cold winds in winter. The front room was almost uninhabitable last year owing to the draughts.

110. Satow to Forster (draft of reply on Forster's letter)

24/8/98

I have recd. your note enclosing 30 yen for Hirayama. As to da Silva, if you will apply for leave to keep da S. till the 15th Sept, I will sanction it, tho' I think my report to F.O. was that he wld. go when Harrington joined you. But I had prob. forgotten that Parlett was going to the Court. I had understood when his name was last mentioned to me that he had secured employt. after Aug.

Except in the case of sickness I shall not be able to give leave to any one until April next, when Crowe & Holmes will have completed their 2 yrs. at the Legation. I have not the table here, but imagine that Griffiths will be the first to go. You may safely make the alterations you want in your quarters, for I do not think there is any likelihood of your being moved to another post at present. Y.v.t.

111. Forster to Satow

Yokohama, Sept. 7. 1898.

Dear Sir Ernest Satow,

The Portuguese Consul Gen'l came to see me this morning on business and I took occasion to speak to him about the proposed transfer of the Swiss Consulate Gen'l to the Dept. of Communications. He told me that he had heard from Dr. Ritter (Swiss Cons: Gen'l) that the Jap'se Govt. had offered the Swiss Govt. the sum of \$40,000 to surrender the lot in question. This offer has been accepted by the Swiss Govt and the matter was practically arranged before the Circular was sent to the Consuls. Mr. de

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(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

Freitas said that in his opinion the transfer of the Lot was a subject for discussion by the Consular Corps at a meeting, but in his position, as a Consul without jurisdiction, he did not feel that he carried sufficient weight to take the initiative in the matter. I enclose a copy of the reply that the U.S. Consul Gen'l intended to send to the Governor's Circular. As I have said in my Official Despatch, I am not at present aware of any Foreigners desiring to use the ground for any of the purposes for which it was granted.

My sister-in-law tells me that she saw the greater part of the fracas between an Italian Officer and a jinrikishaman [rickshaw man] on Sunday last. She was in the Waiting Room when she heard a loud discussion going on outside. She accordingly came out into the Station Hall when she saw an Italian Officer, in plain clothes, beating a jinrikishaman over the shoulders with a cane. She recognized the Officer having seen him with others to whom she had been introduced at the Grand Hotel. After the Officer had struck 4 or 5 blows, the cane split and she then saw that the weapon was a sword-cane. The coolie on seeing the sword appeared astonished but still held his ground. The Officer then struck the Coolie one blow on the head with the flat of the blade. (On this point she is very positive.) No blood was drawn by the blow and the Coolie went away, the Officer then proceeded to the Tokio train. After a short interval 2 Policemen came up to the carriage in which the Officer was seated and had some conversation with him. She knows nothing more about the matter: she says however that the Police did not interfere at all during the dispute and that it was only after all was over that they arrived.

Your's very truly

Ralph G.E. Forster

P.S. She also says that the other Italian Officers present took no part in the dispute.

112. Forster to Satow

[Recd. Sept. 16/98]

Yokohama, Sept. 15. 1898.

Dear Sir Ernest Satow,

Some days ago a Mrs. Bailey of the Salvation Army called on me and informed me that a man named Baines, now in confinement in the local Japanese Prison, was in reality a Br. Subj: named Maurice Edward Bennett. She stated that she had had an interview with him where he said that he was under a false name and that he had appeared before the British Court in Shanghai in answer to a summons brought against him by a Chinese Tailor; that he was born in Bombay (he is now under 21 years of age) his father having been a naturalized U.S. Citizen; and that he had been in the employ of

Mr. Hamilton the Genl. Manager of the Equitable Life Assurance Co in Shanghai. Mrs Bailey further stated that he had been subjected to a great deal of ill treatment in the Japan Gaol; on one occasion he had been deprived of water and on his shrieking "Miszu! Midzu!" he had been locked up in a dark cell. This cell he appears to have broken in his struggles and he was thereupon... ²⁷

...thereupon tied up with ropes round his neck and arms. Mrs. Bailey informs me that at the interview when he made these statements, she turned to the wardens and asked them if they were true. They did not deny the truth of them and said that the Chief Jailor said that water was not good in the hot weather, and that the prisoner had given a great deal of trouble. I must here explain that the man Baines is charged with obtaining goods by false pretences from Kelly & Walsh & Brett & co. He originally gave the name of Max Edwards but when arrested by the Japse Police at Kobe, he called himself C. Edward Baines. He was brought up from Kobe here for trial about a month ago. On the strength of Mrs. Bailey's statement, I referred to a file of Shanghai newspapers in which I found that a civil claim had been brought before Sir N. Hannen against one M.E. Bennett. Mr. Hamilton, who happened to be in Yokohama, I also questioned and he informed me that he had had a man named Bennett in his employ in Shanghai and could identify him. As, according to the newspaper reports, Baines had first claimed to be a U.S. citizen, I had an interview with Mr. Gowey & reported to him the purport of Mrs. Bailey's statement. We had an interview with the prisoner in the Japse jail when he reiterated the statement that he was born in Bombay, that he had been under British protection in Shanghai and also gave the full particulars of the claim brought agst. him in the British Court; name of Pltff amount etc. Mr. Gowey informed me that this same man when under the name of Max Edwards had applied to him for recognition as a U.S. Citizen and that he had then stated that he was under 21 & that his father had been a naturalized U.S. Citizen & that he himself had been born in Bombay. Mr. Gowey refused to recognize him as a national of his & moreover the Deputy Marshal of the U.S. Consulate in Shanghai, who happened to be over here on a visit, told Mr. Gowey that the man was a Br. Subj. and had been up before the Br. Court in Shanghai. Mr. Gowey is prepared to swear that the man resp'g whom this statement was made is identical with the prisoner now confined in the Japse jail. Mr. Gowey and I at our interview with the prisoner found him in a highly hysterical state, crying like a girl. He said that he had been a month in jail and had only once been before the Prelim. Judge. He gave me his full name as Maurice Edward Bennett and implored my protection. I noticed the extreme redness of his eyes, but concluded that it was due to inflammation caused by crying: the prisoner however

²⁷ Back of p. 274 missing from microfilm. Checked and found original in Kew.

said that salt had been thrown in his eyes and that he had been bathing them all morning. From the man's statements, I, as well as Mr. Gowey, were convinced that he was a Br. Subj. and on the strength of them combined with the result of the enquiries I had made, I applied to the Governor that he might be handed over and any charges against him laid in H.B.M.'s Court. The Procurator of the Local Court to whom my letter was handed replied that I had in the first instance refused to recognize Baines as a Br. Subj. and requested that I would forward any written evidence in my possession that the man was a Br. Subj. I replied that I was not aware that any enquiries had been addressed to the Consulate on the subject, but I recited all the grounds I had for believing him to be a Br. Subj. & concluded by saying that it was unusual for Br. Subjs. to have with them written proof of their nationality and that moreover Bennett being under 21, it was not obligatory on him to register himself at the Consulate in Shanghai. I concluded by again requesting that the man might be handed over. To this letter, I received a curt reply that the enquiries were made by the Police when the man was passing under the name of Edwards; no notice was taken of my representations as to the true nationality of the man. This morning I sent a further letter saying that until I saw the man in Gaol I had never had a personal interview with him, without which I would have been impossible for me to give a definite reply as to his nationality. There the matter rests for the present, but I am absolutely convinced that the man is telling the truth and that he has been treated with a great deal of severity. Mrs. Bailey told me that she had been sending the man in a little extra food, as all that was given him was 4 oz bread 3 times a day and a tiny portion of meat. When the extra food was sent in however, the prison allowance was stopped. The warders told her that the man had given a lot of trouble and had objected to his allowance of water. What the real facts of the case may be, it is at present a little difficult to ascertain, but I conceived it my duty to take every step to assert the jurisdiction of the Br[itish] Court over one who I was convinced was a Br. Subj.:

Mrs. Bailey also said that the man in her opinion deserved punishment for his misdeeds but it seemed awful that a Br. Subj., even although he had been himself to blame by giving a false name, should be subjected to, as she termed it, torture.

Additional weight is attached to the charges of ill treatment by the evident dislike of the Japse. to give the man up. A reporter from the "Advertiser" told me today that on making enquiries at the Saibansho where this man was to be tried, he was told that the British Consul having claimed jurisdiction, the Court was awaiting further proof of the man's true nationality. I have asked that the foregoing may not be printed at present.

Your's very truly,

Ralph G.E. Forster

113. Forster to Satow

[Ans 20/9]

Yokohama, Sept. 19. 1898.

Dear Sir Ernest Satow,

I received your letter of the 16th this morning. I remember that a considerable time ago enquiries were addressed to me as to the nationality of one Max Edwards, and the Procurator admits that it was under that name Baines's nationality was enquired into. I cannot exactly remember the particulars of the interview but am almost sure that I recommended the same course in regard to him as I did with regard to McKay who was tried for swindling Japanese in Kioto; viz:- that the Jap'se Police should arrest the man and take him before the Consul of the country to which he might claim to belong. I also said that no man of the name of Max Edwards was registered here. I do not consider that by any course of reasoning what I said can be construed to mean that I refused to recognize a man respecting whose antecedents etc. I had no knowledge whatever and whom I had never seen. To my last letter of the 15th inst. Reiterating my conviction that the man is a Br. Subj. named Bennett, I have as yet received no reply. It is such a common thing for criminals to have aliases that I cannot see how the Japanese can object to give a man up after his true name and identity have been discovered and the competent Court declared its willingness to deal with the matter. [U.S. Consul General] Mr. Gowey and I both arrived at the same conclusion that he had stated he was a U.S. Citizen of the name of Baines to conceal his identity from his family and that after the U.S. Consul at Kobe refused to recognize him, he preferred to go through with the matter in the Jap'se Courts rather than betray his true identity. Under, I believe, the severe treatment he was subjected to in the prison, his courage gave out and he confessed his real name and nationality first to Mr. Bailey and then to Mr. Gowey and myself. The man had, of course, only himself to blame but I should have thought the Jap'se authorities ought to have been satisfied with my written statement that he was a British Subj. without demanding proofs of how I arrived at that conclusion.

2.30 p.m. I have just received a letter from the Procurator laying the charges against Baines and I understand that a Settlement Police Constable has been sent to the Jail to bring him to the Consulate. The Procurator also encloses copy of the Protocol of the Prelim. Judge stating that as it had been made clear by the Br. Consul's letter and the Accused's statements that he was a Br. Subj., his Court had no longer jurisdiction. Curiously enough attached to the written statement of a Japanese in Kobe from whom the man obtained goods, is a card on which M.E. Bennett is written: this the Procurator

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

alleges was written by the Accused himself. I am keeping the office open until the man is brought here when I shall take formal evidence and then remand him. I am very glad that the matter is settled as it is, without having to trouble you in the matter.

A Secretary from the Kencho [prefectural office] called to see me this morning with regard to the ground-rent Question. He apologized for the long delay that had occurred in answering my enquiries and then told me that the Govt could not consider the refunding of any portion of Ground Rents that had been paid prior to April 1st last. From thence on it rested with landholders to pay in Japse currency or in Mexican Silver Dollars, at their option. He was of opinion that when the rate of exchange between yen and Mexican dollars had been settled by the Govt, landholders who had paid ground rent in yen subsequent to April 1st, would be able to obtain a refund of the difference. He said however that in view of the explicit instructions they had received, no refund could be made with regard to the Ground Rents of the Consular Jail Lots as these had been paid before April 1st last. I am wondering whether it would be advisable to obtain this information in writing for communication to the Office of Works. You may remember that in a private letter you directed me to make the application for a refund privately and not officially.

Yours very truly,

Ralph G.E. Forster [margin note: "requires ans."]

114. Forster to Satow

Sept. 29. 1898

Dear Sir Ernest Satow,

I have made enquiries respecting charts shewing the plan of the harbour and port at the Harbour Master's office. I am informed that new charts will be issued in a week or 10 days time which will shew Soundings in Feet inside the Breakwater and in Fathoms outside. I am promised a tracing to fit these Charts, shewing the boundary lines of the port as well as the plan of the Buoys to be laid down. The tracing will also shew the anchorages assigned both inside and outside the breakwaters for Men of War, Sailing Ships etc. I am sorry I cannot get you the information sooner. If however you could obtain the Charts earlier from the Hydrographic Dept. of the Kaigunsho [Navy Ministry] I should be in a position to send you the information proportionately earlier.

Your's very truly

Ralph G.E. Forster

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

115. Forster to Satow

Yokohama,

October 24. 1898.

Dear Sir Ernest Satow,

I send you herewith copy of some rough notes of a conversation I had with the Superdt. [Superintendent] of Customs on the subject of Certificates of origin and the enforcement of the new duties. I shewed it to Mr. [Dick] Robison as I knew through Gubbins that he was in corresp'ce with you on the same subject. He asked my permission to publish the Memo: for the information of the International Committee of the C/Commerce. [Chamber of Commerce] As I could not see any objection I have sent him the original for the purpose. As you are aware the great objection the Merchants raise to the Certificates is submitting their Invoices to Trading Consuls of Japan. I have been so busy lately that I hardly knew which way to turn, or I should have written to you before. Another local grievance is the Sailing Ship anchorage. I spoke to the Harbourmaster on the subject but he said that he was unable to alter the Regulations.

Your's very truly,

Ralph G.E. Forster

Notes enclosed with letter

Certificates of origin for imported goods which it is intended shall receive the benefits of the Conventional Tariff.

No specific form of Certificate has yet been issued by the Imperial Finance Department. In the meantime the Superintendent of Customs will accept a Certificate giving the necessary particulars as detailed in the Imperial Japanese notification No 385, published in the Official Gazette of the 29th of October 1897, if the same be signed and stamped by the Mayor or other superior local official in places where there is no Japanese Consular Officer. In places where there is such a Consular Officer his signature and seal are imperative. It is also desirable that the certificate be written on the official paper used in correspondence by the Local Authority.

The New Tariff

Notification No. 62 of the Finance Department, published in the Official Gazette of the 20th September 1898 stipulates that only those goods on account of which the Customs have received the notice of entry prior to the date of the operation of the Tariff Law (January 1st 1899) shall come under the old Tariff. The "notice of entry" alluded to

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

is the ordinary Import Entry. This document will not be accepted by the Customs until after the arrival of the ship and the deposit of the manifest: this rule applies equally to Mail Steamers. It is not necessary that the goods should have been passed by the Customs, all that is required is that the Import Entry shall have been accepted. December 31st being a Customs Holiday the Office will only be opened on payment of the customary fees. It is absolutely necessary that all applications to open the Customs Offices on the 31st of December be made before 4 p.m. on December 30th. It will be observed that the Notification of the Finance Department above referred to expressly states that goods must have arrived at the port of entry prior to the date of the enforcement of the new Tariff in order to come under the old Tariff. All doubt is consequently removed as to whether cargo consigned to Yokohama arriving in Nagasaki, for instance, on or before December 31st on board a vessel bound for Yokohama will pay duty under the old or new Tariff. Such cargo if landed at Nagasaki and subsequently transhipped will be taxed under the old tariff; if however it is left on board and imported into Yokohama after January 1st 1899 it will pay under the new tariff.

116. Forster to Satow (p. 291 in file)

[Ans. 5/11]

Yokohama,

Nov. 4. 1898.

Dear Sir Ernest Satow,

The Customs have informed me that the Total No. of Sailing Ships over 300 Tons, exclusive of Kerosene Ships, that have entered the harbour this year up to date is 24, of which two were in ballast.

Bonar arrived by the 11 o'clock train this morning, but I have not yet seen him. There does not appear to be any immediate opportunity of forwarding your Despatch to Sir Claude MacDonald. I will however see that it is sent forward as soon as possible. There was a little contretemps at the Governor's Official Tiffin yesterday. It appears that the place of honour at the Governor's right had been awarded to the Admiral: to this the Doyen (Ritter Swiss Consul General) objected claiming that the Senior Foreign Official present was entitled to the first place. It was very awkward as the Consular Body refused to go into the Dining room until the seats were re-distributed. All the Foreign Consuls were left alone in the Ante-room, and after a short interval Marquis Nembrini [de Gonzaga?], a Kencho Interpreter, came into the room and announced that the necessary alteration had been made and the place of honour given to Ritter, the Admiral

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/2. February 1897-November 1898.)

being seated opposite the Governor. I was consulted as to my opinion on the matter and refused to offer any, on the grounds that I was only an Acting Consul General. Ratard the French Consul was however very strong on the point as he quoted as a precedent that in Batavia, where the Governor is practically a Viceroy, the place of honour at Official Dinners was always given to the Doyen of the Consular Body. However all passed off very pleasantly and the Swiss and U.S. Consul Genl's were seated on the right and left respectively of the Governor. I am not at all sure in my own mind that the mistake, if any, was not due to Marquis Nembrini, but it struck me that the stand taken by the Consular Body was too autocratic.

Your's very truly,
Ralph G.E. Forster

117. Forster to Satow

Yokohama,
Nov. 5. 1898.

Dear Sir Ernest Satow,

I am sending you today a Report on the man Bennett's complaints of ill-treatment in the local Japanese prison, as I think it more than probable that tonight's newspapers will be full of the matter. The Report embodies my views on the subject, but the man is essentially untruthful and little reliance can be placed on his statements unsupported. If however it could be elicited that the man's supply of water was stopped as a disciplinary measure the complaint would bear a more serious aspect. I can however hardly think this can be so. My idea is that when the boiled water, which may not have been quite cold, was given to him with his meals, he refused to take it, and that consequently he had to go without. He is distinctly a 'man sans sujet' and left Shanghai to avoid a prosecution for having obtained some articles from Lane & Crawford under false pretences. Matters were arranged by his employers, the Equitable Life Insurance Co, paying the bill and giving him his congé [i.e. dismissing him].

Your's very truly,
Ralph G.E. Forster

[End of file]

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Satow Papers: PRO 30/33 6/3

**Correspondence and Papers (private). Japanese mission. Consular Staff.
Yokohama: Henry A.C. Bonar (November 1898 – April 1900)**

1. Bonar ¹ to Satow [handwritten, p. 2 in file]

Private

Yokohama

8 Novr. 1898

My dear Sir Ernest,

Please accept my thanks for the additional trouble my appointment as Assistant Judge has given you. I reserve the official expression of my gratitude for both appointments until the time the Commissions arrive. I have taken charge today. It so happened that immediately after some Court case came up, which the Judge took in hand; henceforth there will be no difficulty. I sincerely hope I may be able to carry on my new work in a manner satisfactory to you and the public.

Yours very truly,

Henry A.C. Bonar

P.S. I propose to make a few small changes in the disposition of the offices, so that less time may be wasted, which my former experience leads me to believe may be saved in the transaction of Consular business. These changes involve only the construction of a door between the offices.

2. Bonar to Satow [handwritten, p. 4 in file]

Yokohama

10. Nov. 1898.

My dear Sir Ernest,

Cornes & Co. write today that “it occurs to them that the details called for by Ordinance 385 should have been conveyed to the Japanese Consulate in London by the Japanese Finance Department”, and that their London House were not able to learn more from the J. Consulate than that such a decree had been issued, and that this want of information places ‘shippers in a very awkward position’.

Though it appears to me that such information should in the ordinary course have been sent by Cornes & Co. from here to their London House, perhaps it could be

¹ Bonar, Henry Alfred Constant (1861-1935). He came to Japan as a student interpreter in 1880. Consul for Hakodate and Niigata 1896 (see Volume I). Appointed Consul for Kanagawa district and Assistant Judge of H.M. Court for Japan in August 1898. Acting Judge February-May 1900. Retired 1912. (F.O. List 1936, quoted in Kuwata, 2003, pp. 196-7; Volume One p. 233 footnote)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

ascertained whether the Foreign Office did neglect to send the Japse. Consul the decree.

I have seen [President of the International Committee Richard D.] Robison and we have talked over various things, amongst others the form that a certificate of origin should take. Perhaps a good plan would be to draft a form, and have it approved by the Local Customs. I understand you are coming to lunch with Robison tomorrow; ² before or after I hope I may have an opportunity of speaking on some of these matters. By the telephone I understand you will arrive at Yokohama at 11.40. Will you allow me to send my carriage to meet you at that time – poor as it is?

Yours Truly,

Henry A.C. Bonar

3. Bonar to Satow [handwritten, p.6] [ans. 13/11/98]

Private

Y. Consulate

12 November 1898

My dear Sir Ernest,

Do you think it desirable that I should discuss questions – such as were discussed yesterday at Robison's – with my German or other colleagues with a view of finding out what steps they are taking in the matter. The German Actg. Consul Genl. Kallen who was returning my call & whom I questioned on the subject seemed to know nothing whatever on the subject of taxation, or had even seen a translation of the Law. He said the German Minister [Graf von Leyden] had the matter in hand, and that he knew it was desirable that he & the British Minister should work together. But it appears to me that the International Committee through their representative [is] working hard to obtain information from you, & which the German section seems quite unable to obtain either through their Consul or from their Minister direct. Would it be wise to discuss with Kallen or any other colleague such matters as taxation so as to know exactly what the Germans or others are doing in the way of getting information, or on what particular points they are showing any anxiety? If the German Minister thinks also it's premature to raise any points, then it would seem a pity that the Br. merchants should be agitating for information which apparently goes to the other members of the International Committee or Chamber of Commerce.

² See I. Ruxton (ed.), *The Diaries of Sir Ernest Satow, British Minister in Tokyo, 1895-1900*, 2003, p. 311. Satow met the International Committee and discussed business tax and certificates of origin. He told them he could not have official correspondence with the Committee but that he approved of their trying to get information from the Japanese Government without assistance from their legations.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

If we may, we will stay with you night of Imperial Garden party [November 16th],
not going on Monday.

Yours very truly
Henry A.C. Bonar

4. Bonar to Satow [handwritten, p. 8]

14 November 1898

My dear Sir Ernest,

I believe Forster has explained that this Consulate is not responsible for publishing
your despatch – I particularly mentioned the point after my arrival.

With reference to Redpole's Paymaster's application – there appears to be no
difficulty in obtaining a refund of the duty – personally I don't see how [he] is entitled
to it, but I will do as you direct. The other articles appearing on the invoice hardly show
them to be articles for use on H.M. Vessels – such as probably the ship would order.

I have received the invitation for Wednesday [the Imperial Garden Party] – many
thanks.

I have seen Woolley today & he seems no longer eager to agitate.

Yours very truly
Henry A.C. Bonar

P.S. I have not been able to get any information yet on the subject of the damage to the
typewriter. Refund of duty has been promised by Customs on production of certificate
by me to the effect that they were articles – (such as the Treaty intended to mean) for
ships use. Despatch will go forward tomorrow.

5. Bonar to Satow [handwritten, p. 10]

Private

Yokohama

17 Nov. 1898 a.m.

My dear Sir Ernest,

If perchance the enclosed – out of today's 'Nichi Nichi' has not come to your notice,
may I point out the paragraph at the bottom of the page which seems satisfactory
reading – tho' it may only refer to legislation under discussion. It should refer also to
previous legislation such as business tax.

I enclose my cutting from the 'Japan Mail' which as you suggest is only an extract –
tho' it numbers 24 businesses to be taxed as against 23 – mentioned in the translation in
pamphlet & which is accounted for by Shin sen giō, & dai ben giō being made one item.

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The 'Japan Mail's curtailed translation makes dai ben giō into 'notaries public' which is quite wrong – I should say.

On referring also to the translation of the 'Registration Law' which immediately precedes that of the "Tax Law" in the same number of the Mail viz. 23rd May 1896 the translations are also different I find.

The term 'oyake naru' shinsengiō is perhaps necessary as denoting an 'Agency' officially recognized, and distinct from one which is not so recognized – say a "Frie[?] Insurance Agency' as distinct from a "Bicycle agency' or even "Mollison & Co. sole agents in Japan for Nobel's explosives." In the former case the Agency must have official recognition & comply with the Commercial Code art. 418, p. 114 (Loenholt) Insurance – whereas Mollison & Co. accept no public responsibility, and are not regulated by any particular article of the code. Do you think that the meaning which I suggest can be applied & was intended by the words – public agency. I might make myself clearer by speech. The taxation is the same so the point does not matter, tho' to comply with the law distinctions would perhaps have to be made.

Please return me the enclosed translations at your convenience. If the translations in the Pamphlet are those which should guide us then it is needless to refer to the 'Mails', tho' they cannot be said to be the same. I do not for one moment suggest that even the use of a particular word such as 'oyake naru' [public, official 公なる] is more correct than the absence of it. I am not an authority and am afraid [J.H.] Gubbins might think I am criticising his translation. One's object can only be to arrive at a definition of any term which the Japanese themselves could not object to.

As a personal matter I beg that any suggestion I make will be received by you as my individual opinion to be taken notice of or not as you decide. I do not wish to appear to be busying myself with matters which perhaps do not come within my province.

Forster will perhaps tell you about an application to take delivery of a box containing bones &c. addressed to us & stated to be for the British Museum. I have refused to do anything in the matter. Surely they cannot be Ainu skulls again.

Do you happen to remember whether any one has come out here on any mission for the British Museum?

Yours very truly

Henry A.C. Bonar

6. Bonar to Satow [handwritten, p. 14]

17 November 1898

pm

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

My dear Sir Ernest,

I return the copy of letter to Robison which you kindly sent for my perusal. Only one man – W.B. Walter – seems to advance the opinion that that Law (No. 33) having been made after the conclusion of the Treaties & with the object that it shd. be in force for a certain time before the operation of the Treaties – it is clearly intended and was made for the purpose of applying to foreigners. That opinion wd. – if extended to the absurd – mean that all laws passed in the Diet since the date of the Treaty in 1894 were more particularly made for foreigners – a conclusion which is too absurd.

If it does not bore you too much, please let me know what day would suit you to come to Yokohama to meet a few Britishers at luncheon for the purpose of disseminating a more liberal spirit among them. If the 25th – date of the Concert on which we expect you to dine and stay with us suits you, then I will ask them for that day. ³

Yours very truly

Henry A.C. Bonar

P.S. Forster tells me he will probably not be at the Legation tho' he is calling[?] in the Compound.

P.P.S. May I ask you kindly to write a line or two to [William] Cowan [Office of Works, Shanghai] saying you approve of the trifling alterations I have suggested to them for the better conduct of official business at this Consulate, & which involve only a sliding door - & a larger opening in the wall of the room that is to be Shipping Office.

Your letter for the Admiral I have sent to [Dr.] Hoskyn. He has not replied.

My desp[atch] to Cowan has been posted.

7. Bonar to Satow [handwritten, p. 16] [ans. 20/11]

19 November 1898.

My dear Sir Ernest,

Enclosed from Robison sent for my perusal I forward to you. I have seen Robison & have told him that an enquiry at the Customs here by the Secy. of the Chamber of Commerce such as the Kobe Ch/ Commerce has made would have elicited similar information i.e. that honorary Consuls are not intended to give the certificates, and that here the Customs will be satisfied with the certificate of the mayor of the port of shipment, or of some other person in authority, but not a 'Notary public'. As this latter

³ On 25 November 1898 Satow lunched at the Oriental Hotel with Bonar, R.D. Robison, W.F. Mitchell, Alfred Woolley, E. Hutchinson, W.B. Walter and A.S. Garfit. (Diary, Ruxton, 2003, p. 317).

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

is the point I believe of which you have taken note it still remains to be seen whether they will accept 'Notaries Public'. This is the information I obtained fr. the Supt. of Customs this morning. It appears also that Forster communicated similar information to Robison some 3 weeks ago, but the latter has apparently forgotten it.

Will Adams' tomb. Search in our archives, and enquiries at the Kencho [prefectural office] have not resulted in showing any such transactions as Hall refers to, but undoubtedly some arrangement was come to and I will see that the matter is put straight – if possible.

Naval Hospital Foreshore. Our plan certainly shows low water mark, & there can be no question as to Foreshore rights – if the arrangement made by Admiral Buller is not carried out. Until it is, or until the Company gives notice that the work will not be carried out in accordance with that arrangement the matter will presumably stand as it did before. At a Consular meeting held some time ago – so I understand from Forster – the Admiral's letter was read, so that the Company that is to carry out the work cannot be in ignorance of the foreshore rights.

A meeting of shipping people was held yesterday, and certain resolutions passed, the purport of which is that the Foreign Ministers are to be addressed on the subject – and later on the Foreign Offices – through the Companies at home. No doubt I shall hear more on the subject. It seems they are determined to get some definite information, which – so far as I can see – is not obtainable.

Mitchell, Woolley & Walter dined with me last night, and I suggested to them that they were rather being carried away by this Dr. [Heinrich] Wiegand [1855-1909, Generaldirektor in 1899], of the N.G. [North German] Lloyd. I can't help thinking they have been worked upon somewhat.

Yours very truly,

Henry A.C. Bonar

P.S. I enclose Hoskyn's letter re foreshore & plan. If he does not take any action in the matter is it still necessary to confer with the Prefect on the subject?

8. Bonar to Satow [handwritten, p. 20] [ans. 20/11]

Private

19 Nov 1898

My dear Sir Ernest,

Perhaps you remember that I mentioned at Robison's tiffin that the Local Court was endeavoring to obtain the services of C.M. Martin (who appears in every way suitable for the post) as interpreter to the Court. Undoubtedly such an arrangement would be

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

much to be desired; but the post – which would have to be a well paid one – will probably have several candidates, such I believe as Kobayashi Beika ⁴ and Uchiyama Rosselon[?].

The employment of a good man would help much to avoid difficulties that are likely to occur next year, and I hope it may be possible to exert your influence in arranging – if possible, for the appointment of a British subject. Martin has – some years ago – had eight years experience in the Saibansho [Court]; but being now more or less prosperous (I should say more) the salary must be sufficient to make up for the sacrifice of his business. I hope you will allow me to introduce him to you when you come to Yokohama next week. The Public Prosecutor is only too anxious to engage his services, and with a little backing from the Ministry of Justice the funds might be forthcoming. Martin is a man I have always been friendly with, but personally I have no particular interest to see him employed, except he would be better than a Japanese or a Frenchman or an Italian is.

Yours very truly

Henry A.C. Bonar

P.S. He is the sort of man the Chamber of Commerce shd. employ to elucidate Japanese meanings!

9. Bonar to Satow [handwritten, p. 22]

Yokohama

24 Nov. 1898

My dear Sir Ernest,

W.A.H. Hoghton – a nice man apparently – called on me this morning. He is a member of the Indian Forest Service & while here would consider it a great favor to be placed in communication with or be introduced to some official of the Forest Department. Will it be possible to obtain so much for him? I said I would communicate with you on the subject.

I am asking one ‘Insurance’ man to come tomorrow – [A.S.] Garfit [of China Traders Insurance Co.], but I fancy Insurance people feel fairly comfortable now about prospects.

Would it be possible for me to obtain a copy of the German Treaty & Consular Convention? I suppose the latter will apply to us also. If you consider fit to do so I shall

⁴ Kobayashi Beika (1863-1929). Western jurist and writer Joseph-Ernest de Becker who became a Japanese citizen in 1892; author of many works on jurisprudence. (Louis Frederic, Kathe Roth, *Japan Encyclopedia*, Harvard University Press, 2005)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

esteem it a great favor if I may at any time make some suggestions as to Consular work after the new Treaties, such as seems to be indicated we shall have to perform – under the German Consular Convention – a copy of which I have been allowed to look at.

There is a most intelligent German here, whom it is a pleasure to hear discuss the lookouts for foreigners under the new Treaties. The points he raises for argument are or seem to me more essential and practical than many I have heard discussed. He is of the International Committee. Tis pity he is not President!

Yours very truly

Henry A.C. Bonar

P.S. I enclose Hoghton's card if you think it may be forwarded to Forest Department to identify him.

10. Bonar to Satow [handwritten, p.24] [Ans 30/11]

29 Nov. 1898

My dear Sir Ernest,

With reference to the circular No. 29 (fee to be charged for passports) will you allow me to make the following remarks:

The circ. of Sept. 1894 seemed to leave no alternative as to levying the \$2 fee – and in the sentence “As regards local passports if the authorities continue to issue them the fee will be, as hitherto 75 d.” ‘Local passports’ I believe refer to those passports for local districts such as Hakone district (I enclose a form) which were and are still obtainable from the Kencho direct, or through the Consulate (in the latter case fee 75 becomes chargeable).

If Fee 75 s.[?] has been levied by error it is to be hoped those whose passports have not yet expired will not wish to recover the excess. Some 973 passports have been issued this year.

Also Fee No. 72 for passport issued by Consul (& which entails less work & formality than the General “Japan” Passport) will appear a heavy fee in proportion.

Would it not be possible to retard the operation of the circular until Jan 1. 1899, so as to make it appear as a new rule which shall preclude any possibility of a demand for a refund being made by Brit. Subjs. inclined to be disagreeable?

Later. Having now received from the Kencho information that no change has been made in the form or seal of the passport * since the introduction of the new system (in 1894) from which date Consuls were instructed to levy the \$2 fee may I venture the opinion that perhaps some misapprehension as to any change having occurred in that form since the issue of Circ. No. 30 of Sept. 1894. The instructions to the Kencho to

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* (form enclosed)

issue passports in their own name date from 20 Sept. 1894; so it wd. almost appear as if fee 75 s[?] was purposely mentioned in that circular, so as to leave no doubt as to the fee to be charged, - as in contradistinction to purely local passports obtained direct from the Kencho.

If I am wrong in my reading of the former circular I trust you will pardon my observations.

Yours very truly

Henry A.C. Bonar

P.S. Circ. No. 3, Feb. 14, 1895 directs us to use the words "passport from the Japse. Ministry for F.A." &c. &c. which has accordingly been used. I enclose a form herewith.

[Form labelled "Local Passport" in Bonar's handwriting]

Yokohama_____188

I, the undersigned, hereby request that a permit be granted me to visit the Hot Springs of Hakone and Atami for the benefit of my health.

Name_____

Nationality_____

Station or Rank_____

Residence at Yokohama_____

Term_____

[TURN OVER.]

[Handwritten, p. 27 of file]

Local passports issued during the year of 1897.

British	113
French	1
Austro-Hungary	5
German	11
Swiss	4
Portugues	11
Chinese	122
Danish	1

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Dutch	3
Russian	2
Italian	2
Brazilian	<u>1</u>
Total	276

[Form, p. 28 of file – second page of form above?]

BRITISH CONSULATE GENERAL,
YOKOHAMA _____ 189

SIR,

The Undermentioned British Subject ha[s] applied to me for a passport from the Japanese Ministry for Foreign Affairs, to travel in Japan, for one year, and I have the honour to recommend that the application be complied with, and that I may be furnished with the said document.

Name, in full: _____

Rank, Profession or Occupation: _____

Present Address: _____

I have the honour to be,

SIR,

Your obedient Servant,

H.B.M.'s Consul General.

_____ Esq.
Chiji of
Kanagawa.

*Form issued by Keenbo, in accordance with instructions
from Jap. P.O. rec. 20 Sept. 1894.*

91

29

第 號

外國人内地旅行免狀

國 籍

姓 名

身 分

寄留又ハ發程地名

事 右ハ 明治 年 月 日ヨリ向

間帝國内地旅行ノ儀差許候

明治 年 月 日

神奈川縣



帝國內地旅行外國人心得

- 第一條 内地ヲ旅行スル者ハ總テ各地方ノ規則ニ遵依スベシ
- 第二條 此免狀ハ有効期限經過ノ後ハ可成速ニ神奈川県廳へ返納スベシ
- 第三條 旅行中地方官吏警察官又ハ止宿所ノ宿主ヨリ免狀ノ検査ヲ求ムル時ハ必ス此免狀ヲ示スベシ如何ナル事故ヲ以テ辭柄トナストモ之ヲ示サ、ル者ハ直ニ最寄開港場ニ立去ラシムルコトアルベシ
- 第四條 此免狀ハ表面記載ノ者ノ使用ニ限リ他人へ貸與フルヲ許サズ
- 第五條 此免狀ヲ受ケタル者ト雖モ内地ニ入りテハ賣買取引及ビ諸約定ヲ爲スヲ許サズ
- 第六條 此免狀ニヨツテ旅行スル者ハ内地ニテ屋宅ヲ借受ケ又ハ寄留スルヲ許サズ
- 第七條 遊獵ノ免許鑑札ヲ所持スル者ト雖モ遊歩規程外ノ地ニ於テハ發砲又ハ遊獵スルヲ許サズ

計七條

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

11. Bonar to Satow [handwritten, p. 30]

Private

29 Nov. 1898.

My dear Sir Ernest,

With ref. to your note of 25 Nov. about letter from R.W. Barker London I find we have had no correspondence with him on the subject of Mr. Izawa; but we have had Enquiries from some one else on the subject also of patents which Mr. Izawa seemed to have been entrusted with. In the latter case Mr. Izawa's excuse was that he had not completed the formalities. He should not be trusted, I should say.

I take the liberty of sending a copy – on International Law in Japn under the heading of Consuls §2.140., the question of Income Tax is practically settled – is it not. Other provisions also are fairly expansive; but of course the whole thing is only a version of the foreign text.

Mr. Arthur – concerning whom I telephoned this morning is a nice young fellow. His remarks on camphor – showing what a trifling sum really is actually invested by Britishers in S. Formosa are interesting.⁵ He quite bears out what I have always understood regarding the little necessity there is for the Takow Consulate – Dr. [Wykeham] Myers' views always excepted.⁶ Of course I am not interested, except by way of confirming an opinion which is entertained in N. Formosa.

Yours very truly,

Henry A.C. Bonar

P.S. Both these letters should have gone to you by yesterday's messenger, but I had not completed my inquiries about passports.

12. Bonar to Satow [handwritten, p. 32]

Yokohama

12 Dec. 1898

My dear Sir Ernest,

I am much obliged to you for letting me know of the omission in the 'Japan Mail's' translation. I will endeavor to find out what meaning Japse merchants locally give to Shiu sengio – it might help to elucidate the meaning.

I heard a few days ago from a Japanese that a large section of the Yokohama community – Japanese – were desirous in view of the new Treaties to have Mitsushashi

⁵ Satow met H.W. Arthur of Bain & Co. Formosa on 7 December 1896 and discussed camphor at that time. (Diary, Ruxton, 2003, p. 143)

⁶ Dr. Wykeham Myers was the medical officer attached to the Tamsui Consulate and a long-term resident of Formosa. See PRO 30/33 5/11.

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[Nobukata] here as Prefect. This was told me confidentially – not that the present Prefect is not liked, but because a man like Mitsuhashi would be very desirable. I suppose you have not heard such a suggestion. I should say it would be a great advantage. The Leopold trial seems to have no end.

We have bought all the ‘Hōreizensho’ [legal compendia] that are to be bought, and it will be very nice if the F.O. – or the Treasury – will allow us to have a young man who will know everything worth knowing in those volumes. One seems to have no time for anything but current business.

Yours very truly

Henry A.C. Bonar

P.S. I have got my cigars. I can send you a few hundred if you care to have them, but I don’t know that you will like them.

13. Bonar to Satow [handwritten, p.34]

13 Dec. 1898

My dear Sir Ernest,

I take the liberty of sending you – without having gone through them thoroughly myself – letters & documents received this morning from a Kiushiu Jap. acquaintance on the subject of the Business Tax Law &c. &c. In his letter which is not particularly interesting he refers to a previous request he made to me wishing to be placed in communication with some firm who will be interested in coal mines in Kiushiu. As soon as I can I shall speak to Jardines or Samuel Samuel ⁷ on that subject if they can derive any benefit by communicating direct with Uyemura. The enclosure showing the manner in which Mitsuis & Mitsubishis are taxed is probably interesting, and when I receive these papers back I will make notes on them. It’s very kind of my friend to take the trouble of providing Kana to explain his letter which is not difficult to read.

I am not feeling particularly well and am not very energetic at the present moment. Therefore I hope you will excuse my sending you the papers, instead of the notes I should have made.

Yours very truly

Henry A.C. Bonar

⁷ Samuel Samuel (1855-1934) was a British businessman and Conservative politician. He founded Samuel Samuel & Co. in Yokohama in partnership with his elder brother Marcus, creator of the Shell Transport and Trading Company. Samuel Samuel was M.P. for Wandsworth, 1913-18 and Putney 1918-34. (Wikipedia entry)

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

14. Bonar to Satow [handwritten, p.36]

Yokohama

13 Dec. 1898

Private

My dear Sir Ernest,

I have just received your note. I see that my reading of “unsō” and ‘doubengiō’ were not so far out & from information which I have set the writer to find out it appears that banks(?) & insurance Agents though working in reality a branch claim to be treated under the term ‘daibengiō’. But as to that I am making further enquiries.

Yours very truly

Henry A.C. Bonar

15. Bonar to Satow [handwritten, p. 38]

Yokohama

16 Dec. 1898

My dear Sir Ernest,

[William] Cowan [Inspector of the Office of Works for China, Korea and Japan based in Shanghai] has written to say that the structure of the Consulate is not to be interfered with, so that I must do without the door & other minor alterations, though he approves of the appropriation. I must make some change, in the present arrangements, but of course Cowan’s wishes must be observed.

Will it interest you to see a handbook of Instructions to German Consuls which was lent me by the German Vice Consul when he was – some days ago – wanting to know to what extent we claimed jurisdiction over seafaring men belonging to British ships. It appears that German Consuls do not by virtue of ‘Consular’ jurisdiction exercise any jurisdiction over German sailors, but do so as the “Seemannsamt”, which apparently will continue under the new Treaties, and which seems provided for by Art XVI of the German Consular Convention – according to Kallen (the V. Consul).

Yours very truly

Henry A.C. Bonar

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16. Bonar to Satow [handwritten, p.40]

Yokohama

20 Dec. 1898

6 p.m.

My dear Sir Ernest,

As the result of today's sitting of a Naval Court to enquire into a fire & the finding which we shall probably determine upon tomorrow; a German – one of the crew of the "Troop" will most probably be charged with arson by the Captain. The evidence against him is only circumstantial, but we shall not make any reference to him in the finding unless something new is brought to light tomorrow morning. As soon as the charge is made & a warrant issued – (- the captain has informed me he will make the charge) I shall proceed to enquire into the case magisterially. It may happen at any stage of the proceedings the Germans may claim the man. In that event the Judge tells me we must be guided by your instructions. So far as he is concerned he thinks the offence having been committed on board ship there can be no doubt that this Court has jurisdiction – certainly sec. 687 [?] M.S. [Merchant Seamen's ?] Act leaves no choice in the matter.

Will you be so good as to let me have a line on the subject so as to be prepared in the event of a demand being made. Curiously enough a similar case was discussed by Kallen & myself the other day. The German Con. Inst[ructions] (the book I sent you) has long discussions on the subject pointing to the jurisdiction to be exercised in these cases by the Consul of the nationality of the man – not the ship.

I hope to have your advice on the subject – whether or not this particular case proceeds further.

Yours very truly

Henry A.C. Bonar

17. Satow answers Bonar (Copy of letter)

Private

21 Dec. 98

My dear Bonar,

With ref. to yr. letter of yesterday. Shld. it happen that the Germ. Consulate claims to have the man handed over, you shld. take note of their claim, & send me officially a copy of their letter, requesting instructions. I will then reply officially.

After reading the Judge's memo. of 1894 & the section to wch. you refer, & the opinion of the Judge that the Court has jurisdiction, as you tell me, my disposition will be to support the Court in its exercise.

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The German Consul's instructions to claim are not in any way binding upon us.

y.v.t.

E.S.

18. Bonar to Satow

22 Dec. 1898

My dear Sir Ernest,

I hope you will approve of the despatch on the subject of "wages" & the new post which I propose should be created.

You will see no time has been lost about the "Incendiarism" case. I have been all day sitting magisterially I don't know what the result will be – tho' it looks bad against the man – but the fact of his nationality has not come out & therefore I don't suppose any claim for him will be made.

The 'Medical Inspection' people have been very exacting in demanding that the P. & O. "Japan" sh[oul]d. go back to the Inspection vessel, tho' she had passed in the morning & obtained a permit to enter the harbour – notwithstanding she had no "Inspection" certificate. Had I not been in Court I might have arranged with Prefect that Inspect[io]n. shd. take place while she was moored to the Pier, but she has been "away & back" by now. I see very little chance of even 2 days away before the end of the year. I am better again now, but I must try & have a day or two's holiday after the New Year. I think as the staff have been pretty hard worked lately I must give them a day – the 26 or 27th which are made Bank Holidays here. I hope you approve also of the Prison being in such good condition. It was an unexpected visit.

Yours very truly

Henry A.C. Bonar

19. Bonar to Satow

Yokohama

27 December 1898

So far I cannot learn of any other case of Piracy of British Trade-marks. I will make further enquiries however.

Referring to a more general subject, it seemed to me that the leader in this morning's "Japan Times" calling for more forbearance on the part of foreigners was a very reasonable view. But unfortunately people are inclined to imagine every mistake the Japanese make as having a personal meaning for the one who suffers by it. I referred the other day to the P. & O. S.S. "Japan" having been ordered out to the Quarantine station

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after having once – under the instructions of a harbor official, made fast to the pier. I have had an official complaint on the subject, & have seen the Prefect on the matter. Woolley thinks it is a “distinctly unfriendly act”. As a matter of fact it resolves itself into great stupidity on the part of the harbor-official on the one hand, and then too strict an interpretation of the Medical Inspection Regulations by the Police on the other hand, which wd. have been avoided had the P & O made a representation to me at once – at least the Prefect assures me the whole matter would have been very simple. However, the matter is settled semi-officially as far as I am concerned & quite satisfactorily.

Yours very truly

Henry A.C. Bonar

20. Bonar to Satow

“Copy privately to Layard”

31 Dec.

10.30 a.m.

My dear Sir Ernest,

I have just received your private letter by post[?] yesterday – enclosing one from Layard on the subject of Boyd & Co’s compradore.⁸ I presume the action is one for the recovery of a fine paid by a Chinese (?) on account of a decision given by the Tea Guild either in favor of the compradore or Boyd & Co. I could not say who – (probably the former acted in the matter and possibly – if I remember right – Boyd pocketed the fine. * There is something in writing on the subject as Layard will find on looking up archives “to the Chf. Insp. of the Taihoku District Court, as I protested against the summons direct of an employé of a British firm (- in that same case presumably -) tho’ I did not and would not object to “Kosin” (compradore’s name) being summoned – when not described as an employé. There the matter rested, the Judge of the Court disagreeing with me. Previously to that I had referred to what I suppose is the same matter saying that if Boyd & Co. were the real party to the suit, then they & not the compradore shd.

* This may be explained by the supposition that the fine was imposed in consequent of action taken by the compradore, the “spurious” or adulterated teas which it was attempted to sell to Boyd & Co. being teas Boyd & Co. had bought thro’ the compradore.

⁸ Comparadore: A native-born agent in China and certain other Asian countries formerly employed by a foreign business to serve as a collaborator or intermediary in commercial transactions. (Free Online Dictionary)

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be asked to defend. As it is impossible to say to what extent a compradore acts for his firm, and that in this particular case I could not receive a definite assurance as to the nationality of the compradore, whether Chinese or Japanese; and that moreover from the reputation of this man I judged that like many others he would as occasion demanded, be either a Japanese, or a Chinese, or shelter himself under the designation of “employé of a British Firm”, I came to the conclusion that it was desirable I should not take official action beyond what I had already taken. I don’t know what the judgment rendered is, and to what extent a failure of justice has occurred. I plainly gave Boyd & Co. to understand that I would not act officially so long as I was not aware exactly of the capacity – in that particular matter of the tea guild decision – in which the compradore acted, as a principal which was quite likely, or simply as the Agent of Boyd & Co.

Either capacity is in accordance with local custom. Kosin is moreover the owner of the premises on which Boyd & Co. do business; he may therefore be looked upon as an individual having a separate existence from Boyd & Co. – while generally acting or being known as their compradore. As a Japanese – which I think he is – (his father having become a naturalized Japanese before 8. May 1897), the Court had a perfect right to summon him direct, or to make him the defendant in a suit. When Gardiner has put into writing the whole transaction Ko sin’s personality will perhaps become more clear. I doubt it, however. And unless it is very clear, I am personally of opinion that it is undesirable for us to appear to attempt to shelter even one of the compradore class.

I have always looked upon that “compradore” method of doing business as a degrading one for the Br[itish] merchant, but since he cannot do otherwise he had better carry on as best he may.

I have expressed these opinions to Gardiner & others before; & tho’ they admit that it is a rotten system, they say they can’t do otherwise.

I trust this letter may in some way explain the situation. I am very sorry to hear Layard is not well.

Yours very truly,
Henry A.C. Bonar

21. Satow to Bonar

Dft.

2/1/99

My dear Bonar,

The time is now approaching when I ought to lay before the F.O. suggestions as to

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the future of the gaoler and turnkey, also as to the title in future to be borne by Hodges, whom you will no doubt desire to retain in the shipping office.⁹ I have written similarly to the Judge about the Usher, and perhaps you will exchange views with him, I fancy the Court & the Consulate share the services of most of these men.

I shld, be glad therefore to have your suggestions officially, or privately.

Lawrence the Constable at Nagasaki is retiring. Is there either of your men who wld. do for his place after his services are no longer needed at Yokohama. Longford has engaged a man on probation for the next 6 mos, but I have informed that the permanence of the apps. [appointments] must be for the decision of H.M.G.

Yours v. t.

E.S.

22. Bonar to Satow

Yokohama

4 Jan. 1899

My dear Sir Ernest

I have not had time yet to make enquiries as to whether one of the men at present employed would do as Constable for Nagasaki. I fancy the vacancy could be supplied from here, and it would be better to have an old Government servant.

In connection with this subject also – is it proposed to take any steps for the sale of the Consular jail lot, or its use in any other way. Would it be wise for me to ascertain in any sort of way whether the Auths. have any desire to become the owners of the property? They might not care to ask for it and it is equally difficult to sound them, but possibly the suggestion for them to become owners might be a welcome one. On the other hand good use of the premises – a pound could be made for housing say the extra hands to be attached to the Consulate. I will think more carefully over the matter and if any good can result from any suggestions on my part I will put them before you.

Yours very truly

Henry A.C. Bonar

23. Bonar to Satow

5 Jan. 1899

My dear Sir Ernest,

⁹ George Hodges became Shipping Clerk to the Consulate at Yokohama, November 1, 1899. (F.O. List, 1900) Retired on a pension, January 21, 1914. (F.O. List, 1914) Died at Yokohama, May 22, 1917. (F.O. List, 1917)

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I see by the Title deed that Lot 155 is let “for the use of the Consular office”, and therefore it does not appear that it must be necessarily given up when not used as a jail. It is not to be transferred, however, to a third party. When I spoke of extra hands I was thinking of the Assist[ant]s you propose to send down, and of the Shipping Clerk, (- in the person of Hodges if he will stay – his health & the salary being sufficient) who would become attached to the Consulate & both of whom – I was thinking, might lodge there – instead of having lodging allowances.

A circumstance which has occurred not later than today – absence without leave, of Kircher the 2nd Constable (probably on a spree) makes it desirable – and other requirements demand it, that one of the outside staff should reside on or close to the Consulate.

I should suggest that for the present therefore no idea be entertained of “giving up” lot no. 155, but in case the Japanese were so minded, they might as they have done with the Swiss Consulate, be induced to buy it from the Br. Govt. – the sum of money going towards finding other quarters.

I have had but a short talk with the Judge on the subject of the constable & ushers. I hope to have an early opportunity of coming myself to Tokio & talking these matters over.

Yours very truly

Henry A.C. Bonar

24. Bonar to Satow

6 Jan. 1899

My dear Sir Ernest,

With your official despatch before me it will be much easier to deal with the subject of changes.

With reference to the Jail title deeds – which collectively are really – so I read them – a title deed for Lot 155, let for the use of the British Consulate (“and prison” is only once mentioned) – the buildings which are now the property of H.M. Govt. – since 1882 – could not be used; and it would seem undesirable even that Hodges’ present quarters should continue to exist “in statu quo”. Hodges ascribes his bad health to the low lying ground. As a matter of fact the level of the site is lower than that of the surrounding ground. I think you will agree that it is clear the O. Of W. [Office of Works] can do what it likes with the buildings, - after you have read the title deed. The last agreement - of 1882 – leaves no doubt on the point. I have not been able today to have a copy of the Japanese version made.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

I had intended calling on you tomorrow afternoon, but I think I might manage to come up next Tuesday or Wednesday to lunch, or Monday if I can manage to accompany my wife to Tokio, more especially as I might on either day make some calls in Tokio.

I am very sorry we could not manage to come this evening & have the pleasure of staying with you – but not only is my wife anything but well (she had a fainting fit which alarmed me considerably – last night) – but I have to see some people to the function at the Public Hall – the F.S. James'. [of Fraser Farley Trading Co.] I have not yet seen that memo. draft of the instructions to Consuls which you gave to the Judge. One point – I should say many points – under the M.S. Act do not seem at all clear as to powers of Consuls in Countries where no special Treaties exist. I am writing separately on another matter.

Yrs. very truly,
P.T.O. Henry A.C. Bonar

P.S. I should explain that there are practically 3 deeds governing Lot 155 – one of 1865 relating to the land, another of the same year & date relating to the buildings 3rdly an agreement relative to the last which operated as a cancellation of it. I am unable to send you a copy of the first named title; it is in the safe & Forster is away at the moment of writing this. (5.30 p.m.) It shall go tomorrow. The key has been obtained. H.A.C.B.

25. Bonar to Satow

6 Jan 99

My dear Sir Ernest

Woolley told me this afternoon he was anxious to obtain for the use of a Shipping Committee which has met for the purpose of discussing the matter, an authorized translation of the Draft Law respecting Tonnage Dues. It appears that, as usual, they had met without knowing exactly what to discuss.

I said I was sure that you would allow a proper translation of the Draft Law to go to him through me.

Yours very truly
Henry A.C. Bonar

P.S. Another man has interesting points to raise in connection with the Business Tax Law & wh. I will submit to you as soon as I receive them.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

26. Bonar to Satow [ans. 19/1/99]

11 Jan 99

My dear Sir Ernest

I return herewith the sheet rel. to M.F. [Most Favoured] Nation clause – also Translation of ‘Law relating to Tonnage Dues’ for which many thanks. I have sent Woolley a copy.

The enclosed memo. relating to Business Tax Law is from M. H. R. Harris, who represents Mourilyan Heinmann & Co. As my own replies cannot be satisfactory, would it be possible for you to allow the points raised to be submitted to someone who can deal with them.

When I come up next week I hope you will allow me to discuss further matters relating to the Consular Service that I only touched upon last night.

We had a most enjoyable visit.

Yours very truly

Henry A.C. Bonar

P.S. I intend to join the subscpn. dinner to Ld. Charles Beresford to be given by the Br. Community. I hope, however, the occasion will not be used to make any extraordinary speeches. At all events I hope I may have a say in the matter. ¹⁰

¹⁰ Charles William de la poer Beresford (1846-1919). British admiral and naval expert. At this time he was a Member of Parliament visiting China then Japan for the British Chamber of Commerce. A banquet was held for him on 22 January 1899 at the Teikoku Hotel.

Enclosed memorandum

-:BUSINESS TAX LAW

[typed, p. 64 in file, with illegible handwritten margin notes]

ART.IV. It is presumed that Tea Firing business would come under the heading of “Manufacturing” even though done entirely on a “Commission Business” basis, as ART. XIII. would appear to apply to this.

ART. XV. Would the last paragraph of this article apply to Tea Firing firms having establishments in Yokohama and Hiogo and where the capital is used at both ports indiscriminately.

ART. XVI. Par. 3 – As regards Tea Firing coolies, who are employed by the day, and sometimes for only portions of days; will firms employing these have to pay 30 sen per head p[er].ann[um]., on the total number employed in one year; on the greatest number employed on any one day in the year; or on the average number per day for one year? If one shift of coolies worked for six hours, and another shift of coolies for another six hours, on one day, how would the tax be assessed?

The last paragraph of ART.XVI. read with ART.XVII leaves much to doubt. A firm’s business receipts (? profits) might be large for one year, but to fix their capital at 20 times in excess would be out of reason. How would this article apply in case of a year’s working, showing a loss?

ART.XVIII. For the estimation of the rent of buildings that are the property of the users. This is very ambiguous, as the value of property and buildings vary very much in construction, and also when taking into consideration their location and adaptability for the purposes required, their value.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

-:ENFORCEMENT OF TRADES TAX LAW:-

[typed, page 65 in file with illegible handwritten margin notes]

ART.VII. Will the 2nd. paragraph of ART. VIII apply to Tea firms using machinery- If so how will the market price of machinery be arrived at?

ART.IX. “Past as well as probable future conditions to be taken into consideration”- In what particular way, and what particular conditions are to be taken into consideration for estimating the basis of amount for taxation?

-:INCOME TAX LAW:-

Will individuals only, and not partnership companies be liable to income tax. or is Art,II. para.2 intended to include them?.

ART.III.par.3. What constitutes “extraordinary incomes other than from business undertakings”?.

ART. VI. In the case of “revenue from property or from trade” (Art.II.par.2) the trader might find it impossible to estimate the amount and nature of his income one year in advance, and in case of having paid income tax, and made losses in trading, no recovery could be made, according to the last paragraph of ART.XXIII.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

27. Bonar to Satow

11 Jan 99

afternoon

My dear Sir Ernest

In case my observation on “discretion to be used by Consuls as to the method to be followed where offences are triable both by English & Japanese Law” does not appear on the slips I handed you last night, I send a copy of what I intended to say. I still think as the Instruction will apply to Japan alone there can be no harm, rather that it will be most desirable, if they contain a definite expression of opinion from you as to the course Consuls shd. observe in this country. I can imagine the case where a man in one port will be minded to avail himself of every opportunity to describe the “principle and practice of the Foreign Court” (§180) as unreliable, or its proceedings & modes of punishment as im “proper” or in “humane”. If H.M. Govt. may be taken to have expressed its approval of the judicial & other systems of this Country ※ there is no reason why any discretion should be left, or an opportunity given of a protest by a Consul against proceedings etc. at a particular port. I take it a failure or miscarriage of justice is quite a different thing – as occurring after the man has been handed over to the Japse. Court. Under §181 it is to be supposed that the “place of confinement” & “mode of treatment” of prisoners in this country have been admitted as applicable to Br. subjects. It would appear strange that Br. Consuls should hereafter have the option of protesting, or reporting to the Minister against the system which has been practically admitted. That’s why, in my opinion, the discretion of the Consul should be curtailed to such an extent as to render it unlikely for him to use every opportunity of removing from the jurisdiction of the Japse. any Br. seaman who has committed an offence punishable by both Japse. & English law, whereas the ordinary Br. Subject can under no circumstances be removed from their jurisdiction in similar cases. The point I make is “avoidance of inconsistency” by discretion allowed to Consuls.

Yrs truly

Henry A.C. Bonar

※ by the conclusion of the Revised Treaty.

28. Bonar to Satow

12 Jan 99

My dear Sir Ernest,

Desp. No. 2 re Certificates of Origin bears no date, if you will let me know I will put

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

it in. I am circulating the information in the shape of a letter to Importers.

In your note of today you make no allusion to the dinner to be given to Ld. Ch. Beresford by Br. subjects. I have decided not to subscribe, but I hope I shall be invited. Then they will be able to say anything they like & I can't object.

Yours very truly

Henry A.C. Bonar

P.S. If I have the opportunity I should like to invite H.L. to our house. In that case might we count on your presence also?

29. Bonar to Satow

12 Jan 99

My dear Sir Ernest,

Registration of Brit. Subjects during 1899 under O. In C. [Order in Council]

Do you recommend that (more than in previous years) the Registration shall be strictly enforced (until July this year) accordg. to the Order in Council, or should one not insist on it too forcibly?

The former method will bring to our notice the actual number of Br. subj. residing in the Consular District, & we shall have a more complete record of them if – for the last time – we enforce the O. in C. strictly. At the same time the ordinary notice in the papers enjoining registration is likely to be ignored – unless supported by strict enforcement – for people are mean enough to forego the \$2 Fee. as it is for a short period only.

Yours truly

Henry A.C. Bonar

30. Bonar to Satow

13/1/99

My dear Sir Ernest,

Similar information as to Cert. of Origin (encl.) seems to have been circulated generally already. ✂ I have however, sent out yesterday, embodied in a letter the communication received from the Legation with the translation.

More than likely my wife and I will want to go to Tokio on the 25th for the Ball and stay with you, but we could not then trespass

✂ probably already sent you. H.B.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

on your hospitality for the 21-22nd also. I heard my wife accept your invitation, I think, for Sat. to Monday. I am not sure. I am not anxious to go to the Ball of the 25th but I like the change to Tokio.

Yours very truly

Henry A.C. Bonar

P.S. I am writing to Ld. Beresford to Kobe to ask him to dine with us. I wd. propose asking one or two local officials and one or two Brit. Merchants.

31. Bonar to Satow

Yokohama

14 Jan. 1899

My dear Sir Ernest,

As I don't know how else to reach Ld. Ch. Beresford at the earliest moment after his arrival I take the liberty of asking you to be so kind as [to] let him have enclosed letter asking him to lunch or dine with us. It might be possible to arrange a day when you would be at liberty. I want to be invited to Okuma's dinner which I understand takes place on the 19th. Bevis, of H. & S. Bank I think, will arrange it. I should like the opportunity of making his & other leading mercantile men's acquaintance.

Your threat to return my cigars compels me to enter into a commercial transaction which is so small that I should have liked to have left it alone or I should have preferred waiting until you had a surplusage. The cigars cost me \$2 per hundred. As I don't much care for them myself I don't think you should pay for them. I should probably never have used them.

Yours very truly

Henry A.C. Bonar

32. Bonar to Satow

Private

Yokohama

14 Jan. 1899

p.m.

My dear Sir Ernest,

I would not for a moment urge a matter which you would not approve of – I refer to the question of salaries. Your reference to salaries of assistants is unanswerable, but it is only a fractional part of the scheme. I beg you will think over the matter again, and in this light: i.e. The increase in tariff is not a matter by itself to demand a revision of think,

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

for a revision of salaries of locally employed men. My proposition is, that, in view of a certain sum per ann. [annum] becoming available – and this inducement could be of no consequence in getting the F.O. to enter upon new Treaties as it is a mere trifle – a very favourable opportunity occurs to make changes which will not necessitate a new grant from the Treasury, and will place salaries en rapport with a new condition of things, i.e. an undoubted increase in the cost of living in Japan, and – I think I am right in stating – more responsible work than Consuls & others have hitherto been called upon to perform. The situation under the new Treaties will be a novel one, and no doubt we shall all do our level best to meet it. While one does not look for a reward in a specific form, I think the salaries should be on such a scale that men can keep up their position decently, and not have to shirk social obligations. Perhaps in my own case, having no family, I need have no anxiety about spending all I receive, but a British Consul should not be a long way behind hand others in the community. The increase which I meant to propose would have another effect, which from the service point of view would, in my opinion, have a desirable effect, namely to put an end to the longing which has undoubtedly hitherto existed to be sent to a port, - regardless of any other advantages -, that was better paid. I think Kobe, Yokohama and Nagasaki should all be on the same level of pay. This wd. at once put an end to all dissatisfaction that may exist, or a longing for the next best paid post, as has undoubtedly been the habit. It would prevent a shifting of Consuls, who would not only become thoroughly acquainted with their work and their communities – the latter is as essential as the first – and would put an end to a real or imaginary disadvantage that a Nagasaki Consul for instance could allege. If junior posts also are regulated on that system – provided a certain standard were reached by men who are to occupy the junior permanent posts – there could be no question of claims or preferences for Actg. appointments which very often take men away from posts where they are thoroughly useful – I might say indispensable. I instance the taking away of Forster from here – if such were contemplated. I can't help thinking that the constant moving of men is a great disadvantage, and at a moment when every man ought to be in his place, and is, or shd. be making himself thoroughly conversant with codes &c. and local circumstances, it wd. seem a pity to make moves – wh. tho' primarily in the interests of the service – make a great pecuniary difference to the men to be moved. I venture to think that circumstances being in the 3 ports named so similar the appointments shd. not only be permanent, but paid in such a manner that a man, whether senior or junior, excepting he goes on leave – can look upon them as permanent. I need hardly say that in my own case I have no desire to go anywhere else, but it wd. in every way strengthen one's position & be a satisfaction to the public that Kobe, Yokohama &

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Nagasaki are – as far as British trade interests are concerned – identical in importance. In addition to all this I have other things to say in support of my view, which for the present I put forward only in an entirely confidential way. I wish to say things also on the subject of the Court – with which my views are connected – when I next meet you. Please consider that my views are not on account of any grievance I am imagining or suffering from.

Yours very truly
Henry A.C. Bonar

33. Bonar to Satow

Private

Yokohama

14 Jan. 1899

My dear Sir Ernest,

As the Exequatur ¹¹ covers the Prefectures mentioned in the Commission there should be no reason why I should not place myself in official communication with the Prefects of the various Ken – more especially with a view to obtaining information as to Br. Subj[ects] residing in the District, also trades, industry &c. It will, however, be a new departure, but the sooner it's made the more convenient it will be.

Have you read yesterday evening's Herald? on Court proceedings. Even the Judge thinks there is truth in it. To me it's almost like a photograph. It's high time H.C. L. ¹² gave up his functions.

Yours very truly
Henry A.C. Bonar

P.S. The 'Consular Journal' has among new appointments that of [William Robert] Hoare of Brest[?] to Honolulu as Consul. In that case I suppose Kenny will be free & it wd. be an opportunity for one of the late stayers to go on leave. I mean Hall or Longford.

¹¹ An 'exequatur' is a patent which a head of state issues to a foreign consul which guarantees the consul's rights and privileges and ensures recognition in the state to which the consul is appointed to exercise such powers. It is only granted where the consul is appointed by commission. (Wikipedia)

¹² Henry C. Litchfield, called to the Bar November 1867. Appointed Crown Prosecutor at Tokio, July 23, 1885. At Yokohama (F.O. List of 1899, 1900, 1906)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

34. Bonar to Satow

Yokohama

20/1/99

My dear Sir Ernest,

I had already written the other note when I received yours saying you had drafted desp. to F.O.

I have seen Harris. I will bring back notes on tomorrow when I come, also I hope to bring draft of desp. for your perusal – about changes in Consulate after July.

Yours Truly

Henry A.C. Bonar

35. Bonar to Satow

Private

20 Jan. 1899

My dear Sir Ernest,

Referring again to ‘Correspondence with Prefects in Consular District’ I have just looked at my Commn. and the Exequatur and my opinion is that no objection could be taken to such by any Japse. offl. [official] under the Exequatur of the Emperor. I refer to this question again, in view of any recurrence like that recorded as having happened in Awomori a day or so ago. I am writing to Hall to ask him whether he keeps up any sort of official relations. I know that the Chiji [governor] of Kioto Fu [Kyoto prefecture] was usually corresponded with; and sec. 8 par. 1 p. 16 Cons. Inst. “places at which they are stationed” would if strictly interpreted or applicable deter me from having official relations with the Governor &c. of Tokio. My endeavor is to cultivate not only official but social relations with those officials that one may have to look to for assistance or information.

I had the pleasure last evening at Okuma’s dinner of considerable talk with the Ministers of War & Justice, with the former about Formosa & with the latter about various matters – he wants Ld. Charles to visit the Courts of Justice & the prisons. I hope H.L. will find time for that. He referred also to an Interpreter to the Courts, preferring to have one well-paid one, rather than several underpaid ones. I see that this idea is more or less officially expressed in today’s ‘Mail’.

I don’t think the community (British) is quite happy about next Monday’s function. No doubt everything will go off well. I have abandoned my idea of a reception as there is no time for it. I don’t think Lord Charles cares about it particularly, and it wd. interfere with Bevis’ dinner. Many thanks for allowing me to dress at the Legation. The

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
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dinner to me was most enjoyable.

Yrs truly,

Henry A.C. Bonar

36. Bonar to Satow

Private

23 January[?] 1899

My dear Sir Ernest,

I have this morning heard a bit of news from Formosa which, unimportant as it may sound, is I believe, the result of a good deal of pressure brought to bear upon the Chinese. Nomura – the Superintendent of Customs at Tamsui, is to get the Commissionership (of Customs) at Foochow. This does not surprise me if it is true, but it sounds rather like Fokien province beginning to be a ‘sphere of influence’ if I know anything of the aspirations of the Japanese so far as that province is concerned.

I have finally got Mitchell to get his fellow committee men to agree or at all events not to negative the intention to make good so far as possible the exclusion from tonight’s dinner of Japanese at all events, & the Prefect & Ōtani Kahei are coming. I hope that this will in some measure please Ld. Charles.

I send you 2 vols. of Customs Laws; I also return Harris’ memo. with ref. to Business Tax Law. He has made a note of the remarks thereon.

I hear from Cowan that he expects to be here next month. It would be well if beforehand you could come down & see the Gaol.

We enjoyed our visit very much & I am much obliged for the loan of your carriage yesterday. Kioma[?] has already returned my call by deputy.

Yours very truly

Henry A.C. Bonar

P.S. Speaking of ‘Consular Corps’ I send you copy of circular just sent round by Prince Lobanow.

copy.

86

Consulat Impérial de Russie.
Yokohama. Japon.

No. 11.

$\frac{11}{23}$ Janvier 1899.

Messieurs et chers Collègues.

J'ai l'honneur de vous
informer qu'ayant cessé tout rapport
avec notre Doyen, je n'accepte plus
de communications me venant par
ce canal. Je viens encore en
conséquence vous prier de bien
vouloir, le cas échéant, m'adresser
les communications que vous auriez
à me faire à moi même directement
pour éviter ainsi tout malentendu
possible.

Veillez &c.

(sd) P. A. Lobanow de Rostow.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Translation:

Imperial Consulate of Russia

Yokohama, Japan

23 January 1899

Gentlemen and Dear Colleagues,

I have the honour of informing you that, having ceased all contact with our Dean, I will no longer accept communications from this channel. I therefore request that in case you may have something to communicate to me you do so directly to me in person to avoid all possible misunderstanding.

Yours etc.

(signed) Prince A. Lobanow de Rostow

37. Bonar to Satow [ans. 31/1/99]

Private

25 January 1899

My dear Sir Ernest,

Churchill asked me about the man you refer to & made a remark about his taking shorthand notes. I don't know whether Russell can write shorthand even – I certainly don't think he understood a word of Japanese – I should say the drift of the speech at all events. I know him well but do not avail myself of the opportunity of conversing with him. How he got in at the meeting I don't know, I saw him prowling round at the Oriental Hotel on Monday, but I don't think he "got in" there. Layard & I & most naval men know him from Hakodate experience. He did very well as a contractor, but his aim being more to shake hands with Admirals or men with handles to their names, than to make money he spent more than he made, leaving – I understand – debts behind him at Hakodate. What he makes a living from I am not certain. He was correspondent of the 'Japan Mail' in Hakodate, & I shd. say that his connection with the 'Times of India' is nothing substantial. I don't think he need be minded. I believe he is a native of Aden & that his mother was Scotch or English.

We saw the last of Ld. Charles this morning, after a function at Otani's where he pleased the Japse. Ch. / Commerce by a few remarks apparently, several Britishers were there also & 'Japan & Gt. Britain' was well responded to.

I hope – in fact I am sure you will approve of the efforts I made again on Monday to have at least Asada [Tokunori, Governor of Kanagawa prefecture 1898-1900, 浅田徳則] & Otani asked to the dinner of the 23rd. Their presence, tho' not enthusiastically requested, nevertheless being a fait accompli was productive of much good – I think –

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

for Asada had not been at all pleased at having been left out. The little exchange of friendly sentiments also was most enthusiastically received, & helped to make the whole function a thorough success. Ld. Ch. said it made all the difference to him. I believe it was much regretted you were not able to be present. Will you not lunch with us on Friday Feb. 3rd ?

Yours very truly
Henry A.C. Bonar

38. Bonar to Satow

Private

Yokohama

31 January 1899

My dear Sir Ernest,

I hope you enjoyed your trip to Chiuzenji.

I enclose a private note from Hall with ref. to correspondence with Governors.

Friday . If the 12.00 train suits you best, then we will do the gaol after lunch. If you could come by the 11.40 train I would meet you at the station & we could see the premises before lunch – my wife would be disappointed if you did not come to the house for lunch. However, we shall be guided by your convenience. At 5.30 [August] Junker [1870-1944] is to come to the house ¹³ & I was proposing to have some music for you (i.e. Katagata – I am really going to have lessons), and I wonder whether in consideration of a little music you would not stay & dine with us; returning by the 10. train. Baroness d'Anethan ¹⁴ will be with us & we should be delighted to have the music & a small formal dinner afterwards at 7.45 (the four of us). Will you let us arrange that. Woolley will have an opportunity in the course of the afternoon of seeing you. As for a Carriage – ones[?] does nothing (we have a closed one) & it is at your service.

You will be glad to hear that the Y.U.C. [Yokohama United Club] (with only one dissentient voice) are going to make Prefect &c. honorary members of the Club. It was a record meeting – [W.W.] Till [of Cornes & Co.] making a decided hit by stating there

¹³ August Junker (1870-1944) graduated from Cologne Music Academy where he studied violin under J. Joachim. He came to Japan in 1897. First he worked selling music for Dehring & Co. in Yokohama, then became a professor at Tokyo Music School in 1899. Later a professor of Aachen Academy of Music, and of Musashino Academy of Music. (Nagaoka, アーネスト・サトウ公使日記 *A-nesuto Satō Kōshi Nikki*, Vol. 2, p. 76, hereafter 'Nagaoka'.)

¹⁴ Baroness Eleanora Mary d'Anethan (1860-1935), sister of novelist Sir Henry Rider Haggard and diplomat Sir William Haggard. Married Belgian diplomat Albert d'Anethan, Her diaries were published as *Fourteen Years of Diplomatic Life in Japan* (1912).

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

had better be none, or only little discussion on the subject. The whole thing was over in 15 min. incl. passing accounts &c. I am afraid that the subject of 'Marriages' – i.e. Church marriages will have to be looked into with reference to the Japanese Law.

You will hear of Keil's suicide which is – as these things are – a great shock to all. It appears financial considerations have much to do with it.

Yours very truly
Henry A.C. Bonar

39. Bonar to Satow [answered 11/2]

Yokohama

10 Feb. 1899

p.m.

My dear Sir Ernest,

You will perhaps be surprised I have not started for my trip. I want to feel more inclined to start; and in case I put off my departure for a day or two I will return you the despatch and ask you to be so kind as to have the date for Forster's Acting altered.

Today I forward you a despatch on Cert. of Origin; and in a few days I shall have to refer another question on the same subject which there may be some difficulty in arranging perhaps. Cornes & Co. are having sundry shipments & cert. of origin are certified (or allege a certificate by a notary Public at Manchester ※) in accordance with the instructions or information by the Japanese Consul in London. The Customs here refuse to accept the Certificate as not being according to requirements. As sundry shipments are coming with similar certificates Cornes & Co. wd. have to deposit excessive duty. They are prepared to give a Bank's guarantee for the payment of the extra duty if a proper certificate is not forthcoming. But the point is that their people at home have not had time to be informed of the requirements according to the latest amendment. I shall first see the Supt. of Customs.

Yours truly
Henry A.C. Bonar

※ in the case placed before me the notional certificate is certainly wanting in formality. I have pointed that out to Till.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

40. Bonar to Satow [answered 11/2]

10/2/99

My dear Sir Ernest,

You will see that Kilby & Co's letter to me makes reference only to the fee. But the position taken by the Japanese Consul at Antwerp is so curious that I have sent you copies of the whole correspondence. I should have sent copies prepared in the Consulate but Flint Kilby supplied them to me in duplicate, I hope they are sufficiently clear.

Yours truly

Henry A.C. Bonar

P.S. One is constantly being asked about who it is whose death has really taken place. Not having the information I have not been able to ask my colleagues to lower their flags.¹⁵

Two days ago the R. Naval Hospital flew the flag at ½ mast tho' Hoskyn had no official notice, & since then he is flying it as usual. People wonder what the mystery is.

41. Bonar to Satow

Saturday.

My dear Sir Ernest,

Forster also being seedy I have postponed my local leave until after Tuesday and am just going down to Kamakura over Sunday.

I hope my despatch about changes or additions in the Consulate covers the ground & is not too long.

As I have never seen Atami & am afraid of the cold at Chiuzenji where you kindly asked us to join you for a day or two after the next Canadian Mail would you not let us make up a little excursion, you joining us & the Churchills & going to Atami from Friday to Monday 24-27th instant? We should like it so much & we could arrange for rooms in advance.

Forster has gone to Miyanoshita & I've told him he need not come back till Tuesday. I therefore return the despp. & would ask you kindly to let me have them if I go after Tuesday wh. I hope may not be necessary.

Yours truly

Henry A.C. Bonar

P.S. In the event of the F.O. not being able to get from the Treasury the money for a

¹⁵ See Satow's diary, Ruxton 2003, p. 335. At first a telegram in the *Japan Times* (February 8th) announced the death of the Duke of Edinburgh, but Satow suspected a mistake. It was in fact the son of the Duke of Edinburgh (Queen Victoria's second son) who had died. This was clear by February 12th.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

V[ice] Consulate, I hope they will nevertheless appoint one – unpaid – British Vice Consul, wh. is often done. It wd. answer the purpose. For the sake of the service a commissioned & salaried one is better.

42. Bonar to Satow

11 Feb. 1899

p.m.

My dear Sir Ernest,

I have just received your notes about Flint Kilby & Cornes. If I do not hear officially from you I will write to the former giving him what information you give me. In the matter of the difference of practice, however, of the London & Antwerp Japse. Consuls, as Flint Kilby's London firm does much business through Antwerp would it not be possible to inform the Japse. F.O. how inconvenient the 'I don't care' of the Antwerp Consul is to the London merchant.

In the case of Till I will see what I can do with the Superintendent of Customs & I will not refer the matter to you unless it becomes of such importance to Cornes & Co. where, for some reason or other, not theirs or their shippers' fault, they would have to lock up a large amount of money on deposit as duty, pending arrival of certificates.

Certainly I would not ask my colleagues to fly flag at ½ mast; had I received any intimation I shd. simply have told them what I was doing. It was the Senior Cons. Genl. who on a recent occasion begged us to do it.

I hear that Hoare the newly appointed Consul to Honolulu was leaving Brest for Honolulu on the 9th January; so Kenny might turn up at any moment.

Yours truly
Henry A.C. Bonar

43. Forster to Satow

Yokohama

February 16. 1899

Dear Sir Ernest Satow,

The only correspondence relative to Dr. Wheeler's appointment that I can discover in the Archives of the Consulate is Sir Harry Parkes' Desp. No. 26 of April 13, 1875 forwarding a letter of appointment to Dr. Wheeler u.f.s. to Mr. Russell Robertson. In this Despatch Sir Harry says that the F.O. has approved the issue to him of a fixed allowance of £100 per annum for medical attendance on the Consulate, Jail etc., to commence from the 1st April 1875. I find accordingly in the Accounts for the June of

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

that year that Dr. Wheeler was paid the equivalent of £25 on the 30th June. The only other letter bearing on the subject is Mr. Robertson's forwarding Sir Harry's letter to Dr. Wheeler. Roberts' age is 52 years and Robinson became Turnkey on the 3rd September 1897.

Your's very truly
Ralph G.E. Forster

44. Bonar to Satow

Private

23 Feb 1899

My dear Sir Ernest,

I returned last evening from Atami, and took over charge from yesterday. The despatch should have been sent to you yesterday, but it was not ready.

I am sorry I missed Cowan, but I suppose pending Boyce's arrival nothing further regarding building will be settled. On the subject of a Consul's residence I write you a separate private note for your own information, and I trust you may be satisfied that it is quite in order.

I don't know whether you propose to send any one senior to [Thomas Joseph] Harrington when Forster leaves. Subject to the convenience of the service I venture to suggest that Harrington is not sufficiently "au fait" to be able to carry on with only a student to assist the general work which has hitherto always been entrusted to a first assistant of some experience, excepting perhaps for short periods. For a month or so there could not be the slightest trouble, but before and on the operation of the new Treaties and more particularly in view of the amount of knowledge of Japanese which an assistant ought to have – I am afraid I should be quite inadequately assisted. Of course I do not know to what extent you approve of the suggestions I made in my despatch; nor do I mean to indicate that Harrington is not doing well. He is very willing, but I think his apprenticeship of ½ year or so as an Assistant is insufficient to enable him to do Senior Assistant's work. I have no doubt that Crowe will be a most valuable hand, but if he is to go away when most needed in July, it would be better to have Holmes, if he can remain, for it is more or less essential that a man become acquainted with local circumstances. In that particular respect Harrington is certainly wanting.

While writing all this I am quite well aware how awkwardly the available assistants are situated. May I make the suggestion, however, that if no other senior assistant is available & that Rentiers is not sent to Formosa that as he is well acquainted with Yokohama, he would do better than Harrington as senior assistant.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

I hope you will have better weather in Chiuzenji than is promised by the appearance of the sky.

Yours very truly

Henry A.C. Bonar

P.S. I hope after your return to come up and see you some afternoon for a chat.

45. Bonar to Satow

Private

Thursday 23/2/99

My dear Sir Ernest,

The matter I refer to for your personal knowledge is the forthcoming and wd. have been brought to your knowledge in the course of conversations with my wife had she gone to Tokio on Sunday.

She has decided to buy the house in which we are at present living, and in which you have seen us. I have not influenced her choice in any way & in many respects it is a most desirable conclusion of much hesitation as to where we should live for the present.

I think you are of opinion that it is unwise for an official to buy land or houses – in some cases it must be so, in the present case there is – I hope, some wisdom in the step which my wife has taken. For we are well lodged & in the community, & no one can say that we are making money out of rent allowance, for it is not the case. The alternative lay in going to Negishi. That from an official point of view had its drawbacks, apart from the costliness of moving.

So far, therefore, as my residence is concerned, I hope you will not think it urgent to have a Consul's house built: had it been there I should have been glad; I think tho' Boyce should have the opportunity of buying the house, if he wants to, for a Consul's residence, but he wd. consider it too good.

We were to have gone up to the Bucks this evening to dine, but my wife has taken bronchitis at the Concert last night & is in bed. I walked in from Atami to Odawara in quick time & was disinclined to go. I like the neighborhood of Numadzu immensely & prefer it to this side of the Hakone range.

Yours very truly

Henry A.C. Bonar

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

46. Bonar to Satow

[Ansd. that I cld. not at present put anything on paper, but if Kilby wd. like to have a talk I wd. see him. E.S.]

Yokohama 7 March 1899

My dear Sir Ernest,

For your perusal I send a letter from Kilby & Co. and a circular from the Chamber of Commerce relative to Certificates of Origin. It is hardly necessary I should address you officially on the subject. Flint Kilby also writes to me privately asking to know whether I had received anything from the Legation as to the "position of Canada under the new Treaties." That & the other matter of the Japanese Consul's action at Antwerp, I have replied, were being looked after, the latter by the Belgian Minister.

My tiffin [light lunch] on Monday next is to consist of Prefect, Judges, Harbormaster & Otani Kahei ¹⁶, and 3 or 4 British merchants. It is to be a mere social function, and if you would give us the pleasure of your company on that day I and they should feel much honored.

Yours very truly

Henry A.C. Bonar

P.S. Would you kindly return me the enclosures.

47. Bonar to Satow

Sunday evening

19 March 1899

My dear Sir Ernest,

I wonder whether the following information I have received from Layard is of any value to you. "Medical Officer of Takow Consulate leaves for Tokio 17th March." It may be meant for me privately only, tho' as yet I do not understand why.

Are you not disengaged some evening this week when you could come down to dine & stay with me? I have an organ which sounds very well in our drawing room.

Yours very truly

Henry A.C. Bonar

¹⁶ Hon. Otani Kahei, export merchant, sometime member of the House of Peers, President of the Yokohama Chamber of Commerce, and of the Japan Tea Manufacturing Company, Yokohama Water Works Bureau etc. Born in 1855 in Ise. In 1898 he was elected by Japan's tea merchants as their representative to visit America and make representations to President McKinley. (See Naoichi Masaoka (ed.), *Japan to America*, especially pp. 50-56)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

48. Bonar to Satow

Yokohama

23 March 1899

My dear Sir Ernest,

I have ascertained that the individual in question left yesterday by "Idzumi Maru". Kingsell, our informant, (a Chin. Brit. Subject) states that he is going right through to London. Kingsell's son was to have accompanied him for that purpose got a passport from us. I am wondering whether the passport was handed to K.Y. There is only one Chinese steerage passenger in the list I got from the N.Y.K.

It appears Kingsell is intimately connected with K.Y.

Yours very truly

Henry A.C. Bonar

49. Bonar to Satow

Yokohama

23 March 1899

Private

My dear Sir Ernest,

I was this afternoon interviewed by the Chancellier of the French Consulate who wished to know whether the action of Troup in backing the Danish Consul's warrant in 1897 for the arrest of a Danish subject on board a British ship had been approved. This question was asked with reference to the probable arrival here of a French fugitive from justice from Shanghai, and it has been intimated to the French Consulate, (not officially as yet) that the Japanese would not assist in or permit the arrest of such a person in the Settlement. It may happen that he arrives by a British steamer in wch. case I shall be app[roac]hed to back a warrant similar to the case referred to in Troup's desp. to Lowther Aug. 27. 1897. No. 139. Confidential. No answer appears to have been received. The French Consulate, I am given to understand, is prepared to insist on its right to make the arrest in the Settlement should occasion arise. But they have no constable, and wd. be obliged to apply to the Japanese Auths. I told the Chancellier that in a similar case, as a matter of precaution, I should ask for your instructions; tho' the Order in Council (and Wilkinson's opinion is similar) gives the necessary power to a Consul for operating the arrest of a Brit. subj. from China. What generally speaking are the principles on which we should act if occasion occurred ✕ ? Gislen (the Actg. Danish Consul) tells me his action was approved of.

Yours very truly

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Henry A.C. Bonar

✂ in view of the nearness of new Treaties

50. Satow to Bonar

Copy

Private

Tokio.

24 March 1899.

My dear Bonar,

The Foreign Office did not express any opinion with regard to Troup's action in backing the Danish warrant. The matter was merely reporting ad informandum, and approval was not asked for, so they did not consider it necessary to say anything.

I see no harm in your backing the warrant, if you should be asked to, and even in sending a constable to look on while it is executed, though as the French have no constable I do not see how that can happen. Then, having backed the warrant as an act of 'collegial' comity, you can leave the French Consul to fight out the question with the Japanese. Your backing the warrant does not commit you to any expression of opinion on the international question.

Yours very truly

(sgd) Ernest Satow

51. Ralph G.E. Forster to Satow

Yokohama

April 1. 1899.

Dear Sir Ernest Satow,

I am writing to you to ask whether, as I have heard from Mr. Gubbins, that the only subject on which I have not yet completed my examination for the Interpreter's allowance is that of a Report, my Report on the Commerce and Navigation of Yokohama for the year 1897 may not be considered to meet the requirements of your Minute of the 15th January, 1898. I devoted considerable time and trouble to it, and I have been obliged to devote my entire leisure to the study of Japanese during the past year. I trust that you will pardon my asking you this privately, before making an official request, but as you have on several occasions referred in kind terms to Reports which I furnished to you on various occasions when I was Acting Consul in Nagasaki, I venture to hope that this Report may be accepted in the same way as Mr. Layard's report on the Ashiwo Copper Mines was accepted by Sir Francis Plunkett, although Mr. Layard did

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

not complete his examination till several years later.

Yours very truly,

Ralph G.E. Forster

52. Satow replies to Forster (draft)

Private

Tokio

3 Apr. 99

My dear Forster,

I shld. be very glad to assist you in the matter of your exam. but do not quite see how I can do it. The minute has been sent home to the F.O. & approved by them, so that I shld. have to apply for their sanction to what wd. practically be an alteration of it.

Layard's report to wch. you refer was, as the desp. to the F.O. shows, written for the purpose of his exam & not as you suppose a report made by him which was afterwards allowed to take the place of the one required for his exam. by the Minute. I understood fr. Mr. Troup that he got together a good deal of the material for the Trade Report and that you would have to piece it together. That circ. wld. make it difficult for me to take the Report in the way you suggest.

y.v.t.

E.S.

53. Bonar to Satow

Yokohama

3 April 1899

My dear Sir Ernest,

I am extremely obliged to you for letting me see Cowan's proposals. Tomorrow I will return the plan and his letter, with a sketch showing some trifling alterations I have to suggest. From an official point of view the proposed disposition of the Consular Offices leaves but little to be desired, but for the sake of the men who have to reside upstairs I hope a few changes will be made.

I am sure the "Herald" or "Gazette" if not both would like the translation of the "Shipwreck's Aid Law".

Kosaka, the Procurator of the Court at Yokohama leaves for America and England on the 10th inst. I am not aware whether the Minister for Justice has applied to you for any official letters enabling Kosaka & others to be recognized more or less officially in their missions, but he will want to see all he can of the methods of administering Justice

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
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in England, so far as is possible. I propose to give him a letter or two to people who might help him, but would you take into consideration the propriety of writing about him officially or giving him official letters of introduction, if you have not already done so?

Yours very truly

Henry A.C. Bonar

54. Bonar to Satow

Yokohama

5 April 1899

My dear Sir Ernest,

After carefully going into the matter and taking the opinion of all concerned, i.e. (the Judge ※), Forster, Harrington & myself who have all lived on the premises, the proposed plan I send herewith includes all the suggestions that can be made, not only for the public convenience, but for the comfort of those residing on the premises.

※ We are all of one opinion on the subject.

1. The shipping office as it is at present answers very well, - as a drawing room to the present Senior Assisitant's Quarters it is quite valueless.
2. There wd. be great difficulty and expense in heating the shipping office as Cowan proposes it, and that part of the Courtroom is best used as a storeroom in the place of the one upstairs which in all fairness should form part of the Junior Assistant's quarters. Wilkinson used to occupy that room, and it is quite habitable as it is.
3. The position of the lavatory is inconvenient, & for the Consul not get-at-able in Cowan's plan.
4. I think a spare room for the Consul as marked in addition to his office could be used by him in the winter, as it is almost impossible to heat the Courtroom. At all events a retiring room where he can have his tiffin [light lunch] or change his clothes while there is a spare room is quite proper.

Finally if my suggestions are carried out, the alterations while they are in progress will not in any way interfere with the Consular work, & the changes are only changes in name.

As to the Gaol compound I have no suggestions to offer. Hoping my plan with suggestions in margin will be useful.

Yours very truly

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Henry A.C. Bonar

P.S. Glass verandahs are an urgent necessity.

55. Bonar to Satow

Yokohama

12 April 1899

My dear Sir Ernest,

I was proposing later to address you officially on the subject of getting the Japse. Courts to take the evidence for the purpose – say of Courts at home. There seems to be no provision for it, at present, but at the same time it is the only way of securing the evidence at present of a Japanese who refuses to appear at a Foreign Court; and that is why I communicated with the Judge of the Court when the Kencho [prefectural office] informed me – as one knew – that they could not do anything more in the matter. Uyeda sent a telegram through the Kencho “Shuttei kobamu” [Refuses to appear in Court]. I have heard he had taken good legal advice on the subject, so he knows his position. Whoever advised Budd to address you on the subject should have known better. I understand it was Lowder. Of course one can only resort to ‘constitutional’ means now.

I have asked [“suggested to” is written above] Mr. Toohey & also Atkinson the propriety of calling on you or leaving a card as soon as possible. Toohey is a nice old gentleman.

Yours very truly

Henry A.C. Bonar

56. Bonar to Satow

12 April 1899

My dear Sir Ernest,

The despatch about Foster’s leave is of his own drafting. Of course I shall have no objection to his going on the 19th even though – as I presume – it will be impossible for Hampden to join this Consulate till later. It wd. have been inconvenient for me to let him go sooner than 19th.

Yours very truly

Henry A.C. Bonar

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

57. Bonar to Satow

Yokohama 21 April 1899

[ans. 22/4]

Private

My dear Sir Ernest,

C.W. Russell, alias the reporter for the "Times of India" and of whom we spoke the other day has just been to this Consulate. He is sending in tenders for the supply of provisions &c. to the Fleet at Hakodate this summer.

He is a man of straw, - to what extent knavish I cannot tell; but without interfering I think the Admiral might be told that Russell altho' he may have given satisfaction to the Fleet before, does so generally at the expense of other people whom he does not pay, & that he is an undesirable man for the Fleet. I cross questioned him on one or two little matters & he could not give a satisfactory reply. I also asked him whether at the Oriental Soc.'s meeting & dinner to Ld. C. Beresford at Tokio he was taking shorthand notes. He confessed he could not write shorthand - just what I thought. [Military Attaché] Churchill wd. like to know that. If Russell is in the pay of other people (which I do not suspect - for any mysterious purpose at least) then it is still more undesirable he should have anything to do with H.M. Ships. I think it is as well that I should give Russell a character [reference?] so the Admiral may know.

Yours very truly

Henry A.C. Bonar

58. Bonar to Satow

[Ansd. 3/5 sending him memo.]

2 May 1899

My dear Sir Ernest,

Hampden writes to say he will [arrive] here on the on 4th Evening. I hoped he could have assisted me while I have Mr. Hida of the F.O. on my hands, putting all sorts of conundrums to me.

Are you going away after the Canadian mail goes, or is there a chance of finding you on Friday or Saturday, to have a talk on various matters connected with Settlements. I believe the Judge has written something on the subject of perpetual leases; it would be an advantage for me to know what his opinion (legal) is on that subject, for Hino asks me legal questions on which I should not like to state personal opinions different from Wilkinson's learned views. The theory of the "perpetual lease" Consular Registration is one thing, and its practice another; and I think (and the Prefect agrees with me) that it

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

would be better to start with present facts and leave past history alone, and I would recommend for the sake of convenience that an entirely new Register of present holders be started by the Jap. auths; and that furnished with a copy of our records and our original registers to refer to they will have all that is required; but that if A. or B. have at any time omitted to make registration A or B must take the risk, & that the Consulate is not responsible. This being difficult to explain I will leave it until we meet.

Yours truly

Henry A.C. Bonar

59. Bonar to Satow

Yokohama

3 May 1899

My dear Sir Ernest,

Many thanks for allowing me a view of the Judge's memo. On two points I should like to make an observation. I do not see how it can be said of the registration of transfers at the Consulates – “such registration is and always has been compulsory both at the Consulate and the Local Government Office.”

My view is that transferors or transferees in order to comply with the conditions of the early leases more especially, which made the validity of a title depend upon the fulfilment of that particular condition (registration or report to a Consul) were in their own interests bound to make registration (more correctly described as an “entry in the Land Register not otherwise provided for at the request of the parties interested. Sec. 81H) but there is no law or provision to make those registrations compulsory. Nor, in my opinion, should such an omission be allowed to affect the validity of the title. I therefore do not hold or agree entirely with the Judge that an entry in the Land Register is evidence of title; - and that is a point which I was questioned on by Hida, & which I replied to evasively saying it was – and it was not.

Another point is one which Wilkinson alludes to viz: buildings. The majority of transfers here are for land and rights therein. But as the Japanese in registration treat land, buildings & trees etc. quite separately, the new Register will have to be supplied with information, at present not recorded anywhere as to the buildings, fixtures, trees &c. which are on the land held under perpetual leases. It is quite evident that at any time hereafter a holder will be able to dispose of the land only, or the buildings as he may choose, so some provision should be made for furnishing such information, or causing the information to be furnished to the Registering Authorities. But probably that has already been thought of.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

I write separately on another subject.

Yours very truly
Henry A.C. Bonar

60. Bonar to Satow

[Ansd. yes.]

Private

3 May 1899

My dear Sir Ernest,

As the following matter is more or less confidential may I ask you to treat it as such, tho' by now it is under public discussion. The source from which it came is not known, however. Yesterday afternoon the Prefect came to see me and asked me what I thought of suggesting to leading Britishers & through them to the rest of the community the idea of petitioning the Emperor to make a point of visiting the settlement at Yokohama, and of being welcomed by a representative body of foreign residents on his arrival. I have thought it an excellent idea in connection with the efforts the Prefect would make all roads into first class condition. I have made the suggestion to one or two and it is being debated. If the Prefect had not been very keen about it (and he may have some object in view) I should have not done anything more in the matter, but it may be that the suggestion could be traced further back to someone connected with the Household. At any rate it is a matter for the foreign community to decide.

Do you think that regardless of the above it is proper for the Consular body to be in some way associated with the Emperor's arrival on the Race Course? I don't know what the formality has been. I will try to meet the Whiteheads¹⁷ or see them when they arrive.

I had hoped to make a trip to Chiuzenji with you some time in the Spring; at any rate I very much want to make some time later in the month a tour through the Prefectures in my Consular District, and I think a fortnight would suffice.

Yours very truly
Henry A.C. Bonar

¹⁷ James Beethom Whitehead (1858-1928) was promoted to Secretary of Legation at Tokio on October 1, 1898. He acted as Chargé d'Affaires from May 5 to November 27, 1900; and from May 29 to October 22, 1901. He was granted an allowance for knowledge of Japanese on April 3, 1901 (F.O. List, 1929). His linguistic ability was described as "far above average". (*Times* obituary, September 21, 1928).

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

61. Bonar to Satow

17 May 1899

My dear Sir Ernest

I send you enclosed for perusal before I write on the subject officially as it seems a little involved, and I should like to hear your opinion. Harrison, the captain of the "Esmeralda" leaves on 27th inst.

It is tomorrow night we dine and stay with you, I believe. Telephonic messages – to judge by Robison's experience may sometimes mislead, but I saw the note you had written him, and he should not have been expecting you yesterday. We are lunching at the Sannomiyas tomorrow, I also had been asked to a tiffin[?] to be given by you so I understood – at the Oriental Hotel, but perhaps we shall see you at the Sannomiyas.

Yours very truly

Henry A.C. Bonar

P.S. The 'Victorious' came in from Yokosuka this morning; & I am looking for the visit from her Captain, on whom I called just one month ago. I know he has been in Yokohama since.

62. Bonar to Satow

19 May 1899

My dear Sir Ernest

Jackson told me this morning that on the 4th he received a wire saying "Specie Bank inform us that loan for £10,000,000 arranged, detail not settled (or something to that effect), and on the 6th another, saying that Parr's, Specie Bank & H & S. Bank wd. have the loan, price 84. interest 4% & that thereupon H. & S. Bk. arranged that Chartered Bank shd. share also. Since then no other information has reached the Bank, and Jackson supposes that the thing has "fizzled out".

Miss Ashton's note has been delivered to her at Grand Hotel.

That will be a nice arrangement for Chiuzenji, and I would ask you whether on the return journey from Takasaki you would kindly take charge of my wife while I pursue my way from Nagano to Naoyetsu [Naoetsu, Niigata prefecture]; and I shd. try and be back at my post on Sunday or Monday the 4th or 5th so that Hampden's charge wd. be as short as possible. The Judge may be back by the middle of the week, so I hear.

Yours very truly

Henry A.C. Bonar

P.S. Captain Harrison of the "Esmeralda" is quite satisfied with what has been done.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

63. Bonar to Satow

Saturday

20 May 1899

My dear Sir Ernest,

The enclosed has just been handed to me, and I have told the applicant for information I would let him know as soon as I could give him the information which I am not likely to be able to furnish him. I send it to you because it is curious.

I think my wife has written to you saying she can't let go of the Strawberry Fete next Saturday. Under those circumstances if you are not going to ask others, I should still like to go. ¹⁸

I am off to Sano on the Tokaidō with Masujima for a little run.

Yrs truly

Henry A.C. Bonar

P.S. Moss understands why the invitation for Mrs. Vautier was not sent, but he suggests that perhaps it may not have come to your notice, through some accident, that she & her mother (Mrs. Moss) called at the Legation some time last year, when Miss Satow was there, ¹⁹ and that Mr. Vautier has called on you also. I said I would mention this to you.

64. Bonar to Satow

23 May 1899

My dear Sir Ernest,

I am afraid my expression "10 days or so" is not strictly official, but I intend to be back in 10 days.

This morning I had an interview with Yung Kio-wan who wanted to know about Weihaiwei and jurisdiction there. It appears he is one of the leaders of the Reform Party and a refugee, had been here about 14 months, and has been kindly treated by the Japanese Auths. He is desirous of finding employment in Wei hai wei in the "Naval Yard", having been in the H'Kong Naval Yard for 5 years. He has certificates from two other employers. He thinks the Chinese Govt. is sure to become aware of his presence at W.H.W. after 6 months, and will ask for his surrender. I told him I could give him no definite information and that he must take the risk, but that if he were a useful employé of the British Auths. he might be all right.

He tells me that Dr. Sun Yat Sen is also in Yokohama.

¹⁸ Satow was at Chuzenji with Bonar and the German Minister Count Leyden, May 26-29, 1899. (Diary, Ruxton, 2003, p. 361, pp. 473-4).

¹⁹ Probably Ernest Satow's German cousin Elisabeth C.A. (Lisinka) Satow (1836-1924) who was in Japan in 1898.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

I think the Queen's Birthday will be fine and if so I am sure the party will be most successful.

Yours very truly
Henry A.C. Bonar

65. Bonar to Satow

8 June 1899

My dear Sir Ernest,

I am much obliged for your permission to extend my leave until yesterday: the people at Niigata were so pressing that I should stay longer & the place so much better than I thought. Both there and at Nagano I was received with the utmost courtesy and made a great deal of. At Nagano more particularly they went to the extent of a formal welcome – as well as at Niigata where officials & merchants gave me a charming Japanese banquet.

I was asked to see the jails - & I shall report shortly on them, as I think it may be of interest to know what institutions of the kind there are in the less frequented parts of the country.

Niigata has certainly taken a new lease of life, & I should not be surprised as the result of harbour improvements there, to see some foreign trade, more particularly with Vladivostock.

Miola the Italian Restaurant keeper ²⁰ desired most affectionately to be remembered to you. He was full of reminiscences of old days.

Excepting a day's rest at Wakamatsu, which is an interesting place, & is shortly to be connected by rail with Kōriyama on the Sendai line – my trip was a very rushed one. From Tsugawa in Niigata Ken to Niigata there is most beautiful river scenery. I return you your map which was most useful to me.

Do you feel inclined to come to the Juvenile Choral Concert on 14th, of wh. I appear as a patron. I have never been to one.

Yrs very truly
Henry A.C. Bonar

P.S. I have quite recovered from my indisposition which made me such a nuisance to you at Chiuzenji. You were most kind to me and I thank you for your hospitality. I hope the boat will be all right. I have had an idea before that I was not a boat builder.

²⁰ Miola is mentioned as owning a hotel in Niigata called Restaurant International in B. Chamberlain, W.B. Mason, *A Handbook for travellers in Japan*, p. 226. (London: John Murray, 1893)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

66. Bonar to Satow

Yokohama

12 June 1899

My dear Sir Ernest,

Many thanks for your note received this morning – we three will be delighted to dine with you tomorrow evening.

I enclose for your information copy of a letter addressed to the Swiss Cons. General on the subject of Insurance Companies which Flint Kilby has sent us.

Wylie having asked for information on the subject of the ‘abolition of Export duties’ may I tell him that the information in the “Eastern World” (cutting herewith) is correct? It is what I suppose will take place.

Yours very truly

Henry A.C. Bonar

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ABOLITION OF THE EXPORT
DUTIES.

We are indebted to the German Consul General, Mr. Coates, for the information that the Japanese Government takes the view that the export duties hitherto levied will be abolished with the determination of the old Treaties.

As they were not introduced by means of a law, but have their basis simply in the present Treaties, the special consent of the Japanese Diet for their abolition is not required.

It is probable that the abolition of the export duties will also be mentioned in an Imperial Ordinance regarding the enactment of the new Treaties, which is to be published soon.

'Eastern World'
June 10th 1899

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Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

67. Bonar to Satow

Yokohama

15 June 1899

My dear Sir Ernest,

I think I sent you for your perusal some time ago all the Jail documents. \$1400 seems to be the sum for which Office of Works took over Buildings, but of course up to 1882 they had paid a rental wh. I think might be included in the value of the buildings, the estimated value of the same being given at \$5,460 in a document signed by Henry Wray Major 2.6[?] in 1865.

Other particulars have been telephoned to Crowe.

Yours very truly

Henry A.C. Bonar

P.S. Would you kindly let me know what reply you give to [J.H.] Brooke on the subject of newspapers.

68. Bonar to Satow

[Ansd. 21/6]

Private

20 June 1899

My dear Sir Ernest,

After some hesitation I have decided to draw your attention to a most offensive paragraph in yesterday's "Yorodzu" which I send herewith. Maclean the American Deputy Consul Genl. has already, I believe, brought it to the notice of the American Minister. What motive there can be for describing Maclean by his full name and title, and concocting an abominable story I cannot see; my grievance is that the "fujin" [婦人 'woman, lady' or 夫人 'wife'] referred to is my wife who on that particular evening had been with some friends from Formosa dining at Maclean's house, and was being escorted by Maclean when two drunken coolies passed by and caused a disturbance wh. Maclean reported to the Bluff police station.

The punishment awarded to one man was a fine of one yen for throwing a stone in a public thoroughfare, their other conduct which Maclean considered most offensive is taken no notice of. What aggravates the matter is that there can be but little doubt that the police are in the habit of supplying information to newspaper reporters, and that a distorted or scandalous version of facts is afterward quietly ignored by the police because the Press is allowed full liberty.

Maclean feels he must take the matter up seriously and looks for my cooperation,

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

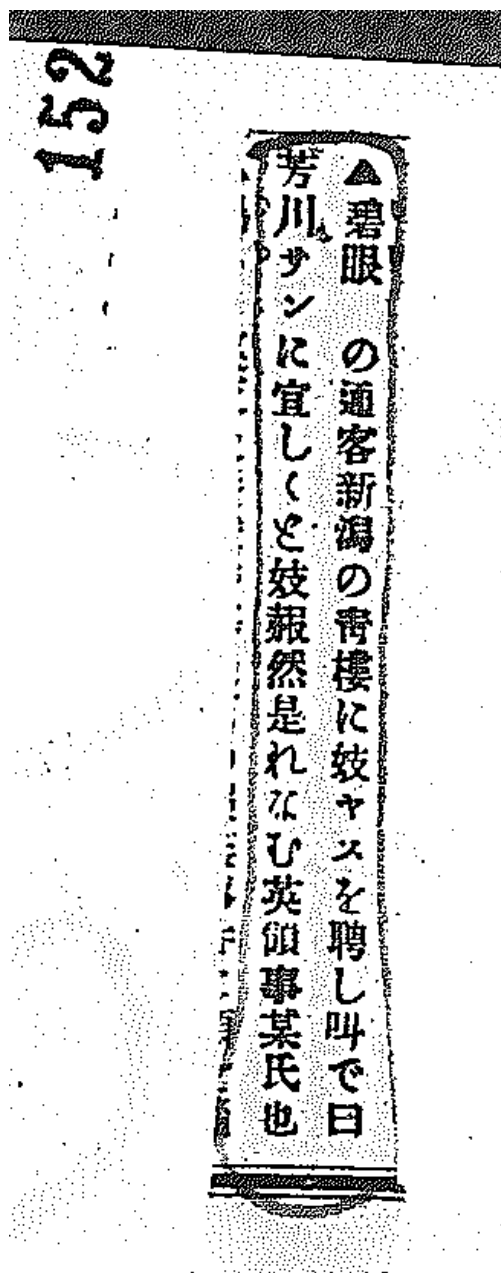
for tho' in the paragraph itself no allusion is made, the police know perfectly well who the lady was accompanying Maclean.

Would you favour me with your view on the matter.

The other little slip I send is of a similar nature, but I think quite harmless since Mr. Yoshikawa is the person aimed at.

Yours very truly

Henry A.C. Bonar



Clipping from *Yorodzu Choho* newspaper of 19 June 1899.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

69. Bonar to Satow

21 June 1899

Private

My dear Sir Ernest,

Many thanks for your note re 'Yorodzu.' I have mentioned the matter to the Prefect – through his Secretary and have just seen the latter who says that Asada is exceedingly annoyed at the occurrence and is bringing the matter to the notice (private of course) of the Home & I think Foreign Office, and if the American Minister brings the matter to [Foreign Minister] Visct. Aoki's notice it might do good if you were also good enough to take the matter up. I should have ignored the matter, except that Mclean who is excessively annoyed has begged of me again, after his visit to [U.S. Minister 1897-1902] Col. Buck yesterday, to support him in every way.

Our idea is that our action in bringing this to the notice of the Nai- and Gaimushō may, if it does not put a stop to the Yorodzu's performance, make the police more careful in giving news or making statements to newspaper reporters like the 'Yorodzu's.' I have little doubt that's how the name came out in the 'Yorodzu.'

I shall see Mclean this evening & hear what he has done. The U.S. Minister asked him for a written complaint I believe. I shall also try & see [J.H.] Brooke & find out what the Press meeting resulted in.

If I can do so I wish to come up and have your opinion on several matters referred to me by British subjects. But I have given Hampden 8 days' leave and so I am bound to the General Office. Harington is the better for his holiday. There will be little opportunity for leave later, we have our hands full now, and I had rather Hampden had not gone.

Yours very truly

Henry A.C. Bonar

70. Bonar to Satow

32B Bluff,

Wednesday evening

21/6/99

My dear Sir Ernest,

I saw Mclean this evening & he tells me that Col. Buck will see you on the subject of the 'Yorodzu' paragraph. ²¹

²¹ Satow spoke with Aoki on June 22nd. "He had conversed with Buck about this, and told him he

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

I saw [John H.] Brooke this evening and the ‘Press Meeting’ I learn from him, had reference more particularly to financial interests of the Foreign Press in Yokohama. He was most amiable to me, and showed me the letter addressed to him by two Kobe confrères [colleagues] who stated they were addressing the Home Minister with a view to having the Hoshōkin [guarantee money] for foreign newspapers reduced. This, Brooke thought, was a useless proceeding. A point, however, which I have promised Brooke to look into, is whether he will have to deposit caution money for the three publications with which he is concerned viz. “Daily – Weekly” “Herald” & “Mail Summary”. I shall see the Prefect on the matter.

There are several other matters which I think can be arranged locally – if you approve of such a course, and the Kencho [prefectural office] is carrying out my suggestion of having an “Inquiry office” established for the purpose of helping foreigners who want information on various points. As a matter of fact I am helping Kencho to get their forms into shape.

I am sorry that with all these & other matters in hand I should have to bother about ‘scandalous’ articles, but I think the latter will be the means of a wholesome agitation.

Yours very truly

Henry A.C. Bonar

71. Bonar to Satow

22 June 1899

My dear Sir Ernest,

In the matter of Kilby’s letter I wrote this afternoon to the German Consul General asking him whether the circular has since the 17 June[?] been in any way modified, but he has not replied to me, and so I have sent the despatch as it was. I don’t know whether I am to understand that circ. 18 covers any such taxes or duties as the Alcohol Tax. If it is so then Coates’ circular is in direct contradiction.

Yours very truly

Henry A.C. Bonar

P.S. If you are disengaged on Saturday I thought of coming up to see you in the afternoon; at the moment I don’t know what arrangements my wife has made for Sunday, but I will find out this evening.

would do what he could. I said I had not wished to mention the subject. Mrs. Bonar had not been named, and I thought it undesirable to drag her in. He was surprised at this, having understood the contrary. I said that the companion of Maclean had been described as an improper woman, but no name was given. He said they intended to make the editor retract.” (Ruxton, Satow’s diary, 2003, p. 369)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

72. Bonar to Satow

23 June 1899

My dear Sir Ernest,

I have written to Flint Kilby in accordance with your despatch and circular 18. The enclosed I received this morning from the German C. Genl. He uses the term “dealers”. His circular however conveyed a different meaning. Would you kindly let me have the note after perusal.

[John H.] Brooke having asked me to find out for him whether it was intended that deposit money should be deposited in respect of publications separately, such as the ‘Daily’ & “Weekly” Herald and the “Herald” mail summary. I am given to understand by the Kencho that the publications of these will be looked upon as separate & the proper deposit payable.

The various other questions I am continuously asked are many, but consider that of the Fire Brigade rather a difficult one, as all other Consular RR. [Representatives] are concerned. I have decided to express an opinion, & consider action is not likely to be taken, the Swiss Cons-Gen. Refusing to take any steps.

[Henry] Litchfield has asked me whether from the 17th July settlement land will be transferable to the Japanese, to which I have replied ‘Yes’. He thinks, however, the Japse. Auths. may put obstacles in the way.

If you will kindly send me a telephone message tomorrow morning whether you are at leisure during the afternoon I will come and see you. For Sunday my wife has arranged to go to Futago (which was a long standing agreement) so kindly excuse my not coming to lunch.

Yours very truly

Henry A.C. Bonar

73. Bonar to Satow

[Ans. 27/6]

Private

4.30 p.m.

26 June 1899

My dear Sir Ernest,

I have only just returned from a prolonged interview with the Prefect – where I have privately discussed ‘Fire Brigade’ question – as the Judge with whom I have also gone

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

into the question thought it well that I should ascertain so far as possible what position the Prefect meant to take, and on what grounds. And it is practically the position you indicate in your note, shortly this. 1. The Lot has been granted for a public purpose – a Fire Engine house. 2. No Fire Engine or brigade can exist according to law unless it be under the instructions or control of the Prefect. 3. The Fire Brigade ceases to exist because it is contrary to Law unless established by Prefect, & therefore the lot can no longer be used for the purpose for which it was let. 4. The lot reverts to the Japanese Government according to Convention and terms of Title-deed. Such I think is the position of the Prefect.

Our position in respect of Jail is exactly similar. The Jail ceases to exist (virtually in consequence of Treaty) therefore the lot reverts to Japse. Govt. It is true, however, that the Jail lot was granted for a Consular purpose (not specified) and that we could go on using it for a Consular purpose.

I will look up the point of Consular title-deed - & will continue investigating the matter with the Judge who has meanwhile recommended me to place myself in communication with the Fire Brigade & point out to the Committee what the Japse. law is (which I send for your perusal) and what position the Prefect intends to take, insofar as he has mentioned it to me privately.

I do not see why the lot in question should not be sold to the Authorities for a nominal sum, similarly to a part of the Consular lot formerly occupied by the Swiss Consulate (which has been sold to the ‘Teishinshō’ [通信省 Ministry of Communications, founded 1885] for \$4000 I believe.) That would avoid the feeling that the Fire Brigade Committee might have that they were being robbed supposing the Japse. Govt. have a right to enter into possession of the premises with the Iron tower &c.

The question is not an easy one, but I will ask for a reply to my letter to the Committee which may express the views held by the F.B.

Suppose Fire Insurance Cttee ceased their contribution at any time, there is no Guarantee that funds will be forthcoming, or that any attempt will be made by the Local Auths. to provide sufficient or efficient F.B. provisions, and naturally a term of years suggests itself as a means out of the difficulty – during which term the Fire Insce. Co. wd. contribute sufficient funds to maintain the Fire Brigade as it is at present “run”. I hope some settlement may soon be come to, for the difficulty will arise on the 17th July otherwise. The Prefect does not seem to contemplate anything but a complete handing over.

Yours very truly
Henry A.C. Bonar

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

74. Bonar to Satow

27 June 1899

Private

My dear Sir Ernest,

I have written to the Y.F.B. [Yokohama Fire Brigade] and will let you know what their answer is.

In my note of yesterday afternoon my remark about the jail lot meant only if we had been limited to that particular purpose. I thought I had added that we had the option of using it for any Consular purpose.

Unofficially I have been asked by the Kencho [preectural office] to let the Grand Hotel know that their Electric Light plant will have to be subject to a ‘provisional’ examination before a licence can be applied for to continue its use. I don’t think it advisable to intimate this to the Grand Hotel Co. officially, as naturally I should expect a legal opinion to be sent in reply considering that Lowder takes great interest in the concern. But in connection with all licences to be applied for is it understood that from 17th July [1899] any fees prescribed for such licences become payable by foreigners, or will, in accordance with Circ. 18 of 16 June Br. subjects be exempt from any charges of the kind until 4 Aug. No application for a licence will probably be granted unless the fee on it is paid by the applicant, and for professional licences to carry on as doctors or pharmacists after July 17²² a fee of y. 20 is required I believe.

Yours very truly

Henry A.C. Bonar

75. Bonar to Satow

Yokohama

29 June 1899

My dear Sir Ernest

I think it was understood that ‘Licence Fees’ were paid once only.

In January last I sent you a copy of the Customs’ Law at present in force – at any rate it is in “Hōrei zenshō No. 9 23rd Year Meiji” viz. Ord. No. 203 that entrance and clearance fees for Japse vessels trading with Foreign Countries are prescribed.

I have reported officially on the matter of forms of Licences &c. which the Kencho

²² 17 July 1899 was the date of the ending of extraterritoriality for most foreign jurisdictions in Japan. It was originally decided by the signing of the Anglo-Japanese Treaty of Commerce and Navigation in London on 16 July 1894. (See I. Ruxton, ‘The Ending of Extraterritoriality in Japan’ in Bert Edström (ed.), *Turning Points in Japanese History*, Japan Library, 2002, Ch. 7, pp. 84-101)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

puts into the shape of a notification in the Foreign papers.

[John H.] Brooke sent me his application yesterday, but “newspaper” applications must be dated the 1st July, as the Law only comes into force on that date (so far as foreigners are concerned). The method of receiving the Security Deposit is very roundabout. The Kencho refuse to receive the Bonds or Cash – they must be deposited in a Bank & a receipt obtained.

I have now plenty of information on the subject of Taxes, but the Auths. are not quite clear on the subject yet.

Yours very truly

Henry A.C. Bonar

P.T.O. [i.e. Please Turn Over - to next page]

P.S. Is it not strange that the German Consul did not send any of his colleagues any intimation of Prince Henry’s arrival?

I have just received a reply on the Fire Brigade question. It contains plenty of information but no hope, so far as I can see, of an easy solution of the problem. I will send it tomorrow for your perusal.

76. Bonar to Satow

30 June 1899

My dear Sir Ernest

For your perusal I send the “Forms of application for Licence & Sanction” which have been sent to the Consuls. I think really the particulars demanded in some of the forms – druggists’ for instance (Form 16) will be a puzzle to answer. I provided the Auths. with a translation of terms – but they preferred their own translation. I tried to obtain also that for a while at least applications might be made in English, but I was told instruction did not admit of that.

Would you also look at J. Walter’s re Fire Brigade & return it to me at your convenience.

Hoskyn has addressed me a catalogue of questions. I propose getting what information I can here, - as the Hospital will come under the notice of the Ken Authorities – if any notice at all is taken of it - , and thereupon I shall report this information officially to you. I expect you will be very busy at the beginning of the week. I hope I shall have an opportunity of meeting Prince Henry.

Yours very truly

Henry A.C. Bonar

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

77. Bonar to Satow

[Ansd. 6 July – refer letter home. Verbal inquiries till then. everybody is in the same position.]

3 July 1899

Private

My dear Sir Ernest

I regret extremely if I have done wrong in giving that information to the Indian merchant. I understood the word “guidance” to allow me in a restricted sense to give information as I thought in a meagre fashion, but I am sorry as this was not intended. I should not have known otherwise how to reply to the query. Please tell me to what extent I may, if I am again questioned on the subject, tell Br. subjects, Australians & others – what their status will be.

J. Walter in Siber-Brennwald, silk merchants, complained to me the other day that it was through their New York firm they first received advice as to the cessation of the Export Duty, and he told me – though so far he has not verified this statement – that the Kencho had given the information to some Japanese – whereas foreigners had not been told at the same time. I said I would mention the matter to you. There has been some excitement on the point of the abolition of the Export Duty, but of course now they know for certain.

Yours very truly

Henry A.C. Bonar

P.S. I enclose a copy of the Indian merchant’s letter & I am sending Hall a copy of the Prison Regulations.

78. Bonar to Satow

10 July 1899

My dear Sir Ernest,

I was on the point of telegraphing to you respecting a special arrangement to be made to continue for the time being – until definite arrangements were made – the Y.F.B. But this afternoon the Prefect made enquiries of the Home Office, at my suggestion, with the result that as negotiations are considered to be pending locally the F.B. will continue after the 17th inst. without change, but that some arrangement must be come to before the 4 Aug. next.²³ The result of an interview between the Chairman of the Committee & the Prefect has not helped matters at all, and both parties seem

²³ The Franco-Japanese Treaty abolishing extraterritoriality came into effect on 4 August 1899. (Kajima Morinosuke, *Nihon Gaikō Shi*, vol. 2)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

anxious that I should draw up some scheme which will be acceptable to both sides. As the essence of the Committee's wishes is to retain control over the funds I can only see one way out of the difficulty, and that is that two of the Committee join the City Council unofficially & have control over the funds, so far as the payment of expenses and maintenances go, while wages of Engineers, firemen &c. are paid by the Council out of the Funds contributed, and that this latter expenditure is audited & examined by the two unofficial members (foreigners). Some such scheme may be worked out & may not be opposed to Japanese Law, but the latter contemplates particularly careful legislation as to 'firemen' who in former times appear to have been very lawless persons.

I have spoken to my German Colleague on the point, but he says he knows nothing about the question.

This, the question of the Cemetery, & the 'Infectious Diseases' Hospital are matters which the Prefect wants to be settled as soon as possible.

I telegraphed with reference to land transfers after 17 July so that I may be in a position to inform British subjects who may want to note transfers, and that I may know definitely when the Land Register is to be closed. Am I right in concluding that mortgages cannot be registered after the same date since the Auths. expect all registrations to be made at the Kusaibansho.

I am afraid you are having very bad weather, the rain & wind are continuous here.

Yours very truly

Henry A.C. Bonar

79. Bonar to Satow

[Ansd. 14 July]

Private

12 July 1899

My dear Sir Ernest,

Wheeler has ordered me away peremptorily – I broke down completely this morning, having already yesterday felt quite weak.

I think two or three days if any will be sufficient. I have been rather 'rushed' in the Consulate and feel particularly sorry that even for a couple of days or so Hampden should be left. As I have all matters in hand, & that the "Cemetery & Infectious Diseases Hospital" matters are very simple, I have suggested in my wire of today that I did not think it necessary for Hampden to take charge, more especially as he does not wish to do so if it can be avoided.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Of course, I leave this matter to you, but as Friday is a Holiday locally – there only remains 1½ days wherein something unforeseen might occur.

I enclose a chit from Wheeler which, after despatching my telegram to you – induces me to go this afternoon instead of tomorrow.

Regretting all this,

I am, Yrs. very truly

Henry A.C. Bonar

P.S. If I feel well enough I will return Saturday.

80. Bonar to Satow

17 July 1899

My dear Sir Ernest,

It seems fortunate that the 17th has not saddled me with a treble murder. There was some doubt as to the murderer's nationality at first, there seems none now, he is stated to be an American.²⁴ I shall find out at the earliest what the Americans intend to do.

I have not asked any one to meet you tomorrow at lunch – as no doubt you will be seeing people during the day. Please let me have a telephone message in the morning as to the place where you would like people to come to. May I place my office at your disposal?

It appears that the scheme of an official from the Departt. of Agriculture & Commerce coming down to the Kenchō turned out quite hopeless.

I am sending to the Ku saibansho a copy of the Mortgages, but having been asked by some subordinate official to give a copy of the Land Register, I replied that we shall be prepared to give any extract that may be required. It would be useless for them to have our records when the Kencho have a complete set ready.²⁵

Yours very truly

Henry A.C. Bonar

²⁴ Robert Miller was an American sailor who deserted from his ship and killed two Japanese women and one American man in a Yokohama liquor shop called the Rising Sun before dawn on 17 July. This case on the first day of the new Treaties coming into operation was tried in the Yokohama district court on 20 August and Miller was sentenced to death. The sentence was carried out on 17 January 1900. (Nagaoka, vol. 2, p. 270).

²⁵ Satow wrote in his diary on 17 July 1899: "Takahira came to ask that I would instruct Consuls to furnish copy of land register. Told him I would examine the Yokohama register, and give him a reply on Wednesday. Bonar says the Kusaibansho [ward or district court, 区裁判所] people are satisfied for the present with a list of actual holders, and that for years past the rent has been paid direct by the holders." (Ruxton, 2003, p. 372)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

81. Bonar to Satow

19 July 1899

My dear Sir Ernest,

Amongst other questions asked me in writing by a British Firm there is one I have a little hesitation in answering in black and white without previous reference to you. Are Br. Subjects registering property at the Ku Saibansho liable until the 4th August to pay the fees chargeable on such registration?

As I have to state in reply to another query that “Br. subj. are not liable to pay other charges &c. &c. &c. [such as we have already stated to Kilby & Wardman (Policy stamps)] – it might be argued that for Registrations of property also for which French and Austrians do not pay fees, Br. subjects could also claim exemption. Of course French and Austrians have no occasion until the 4th Aug. to register property at the Ku-Saibansho therefore the case is hardly similar. In any case would you favor me with your decision on that point also, if possible by a telephone message in the course of tomorrow morning, so that I may give my reply which the Enquirers want as soon as possible. Fraser, Farley are the firm.

Yours very truly

Henry A.C. Bonar

82. Bonar to Satow [p.185 in original file]

20 July 1899

My dear Sir Ernest,

We were again applied to this afternoon – while a sale of land was proceeding, for information on the point of Transfer fees – this by another party. It appears that the German bidder has a great advantage in the bidding if he is relieved from the 2% fee, by still being able to register land at the German Consulate. It is a practical illustration.

My jail is becoming clear at the moment I write, and I trust there will be no applicants for lodging before the 4th Aug.

Is it not curious that the U.S. Minister should have let Kelly out altogether?

I trust you will approve of the shape of my notification.

Yours very truly

Henry A.C. Bonar

P.S. In the report of the Y.F.B. meeting the entire suggestions put forward in opposition to the Governor’s proposal, are those which I gave in writing to Walter. You will see from his note – enclosed, that the matter is likely to be arranged, and I have heard today from Asada who of course does not know that those suggestions came from me , that he

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

thinks they will be acceptable. So one may almost look upon the matter as settled.

The lease for 10 years, for Cricket ground is to be signed as soon as we like. Asada wishes then to use it as a precedent for the Race Course – which he tells me is also a tenure terminable at 6 months' notice. In the case of the Race Course probably no increase of rent wd. be made.

83. Bonar to Satow

21 July 1899

My dear Sir Ernest,

In connection with my desp. respecting the notice on Taxation, I wish to explain that my object in stating my inference as to the "Transfer Fees" – if you consider it a just one – might be of some use in establishing the right of Br. subjects to be free from such fees until Aug. 4th – based on the argument of freedom from other charges till that date.

I had enquiries made of the Director of the Taxation Bureau this morning in connection with his notice. It appears that he issued it in accordance with instructions from the Ōkura shō [Finance Department/Ministry]; as to "Registration duty" – he thought 'Transfer Fees' would be included, but that the "Kusaibansho" being under the Judicial Departt. he could not say for certain. He has promised to make enquiries. On consideration it seems difficult for the Kusaibansho to establish a method different from that prescribed by the Ōkura shō.

Meanwhile, in accordance with your message of this morning I have written to Fraser, Farley & Co. saying that if a transfer were made by them & fees demanded they should at once report to me so that I might claim that they should be exempted according to your views.

2.20 p.m. I have this moment received your note. A re-opening of the register would undoubtedly constitute an advantage to British subjects – those who from ignorance or other causes have neglected or are compelled to make registration of lands &c before 4th Aug.

I replied to an official sent from Saibansho on Wednesday that I was not prepared at the present moment to furnish copies of the Land Register, (i.e. a complete copy). He asked to be furnished with a "history" of all mortgages. I suggested that an official demand be made for those. It would be an endless task.

Yours very truly

Henry A.C. Bonar

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

84. Bonar to Satow (p. 189 original file at Kew)

24 July 1899

My dear Sir Ernest,

In a conversation I had with my French colleague this morning he assures me that he has taken every step to oppose the handing over of his Land Register, or certified copies of it – to the Japse. Authorities, but that Law compels him to hand to any party interested a certified copy of an entry.

Further re “Certificates of Origin,” the Fr. Consul tells me that the French have a special agreement with [Foreign Minister] Vt. Aoki which enables them to claim the 6 months time allowance for production of such certificate – for the time of the duration of the Treaty. If that is so then of course Br. subjects will be able to avail themselves of that treatment.

Respecting the handing over of Cemetery &c. I think I have told you that the necessary steps to turn the Cemetery into a juridical person in accordance with the suggestion of the Chiji are being taken; but the French Consul says he will insist on ignoring any arrangement, except the actual handing over to the Japse. Authorities of any municipal institutions, though at the same moment a juridical person may become recognised by the Japse. Auths. On the other hand, I don't think the latter care to make a fresh start with a new body or juridical person, after having a formal transfer made to them by the Foreign Consuls. As your despatch of the 9th inst. No. 28 instructs me to conform my action to that of my French colleague I am afraid a little hitch will occur, which would have been avoided if the French Consul & his colleagues will recognize a juridical person taking the place of the Consular R.R. [Representatives] Strictly speaking the French Consul's way is the proper one, but it is not to be expected that he will (or for the matter of that that others will) help things to a smooth termination.

At any rate I have let the Chiji know of the intention of the Fr. Consul to object to any but a transfer to the Japanese Authorities of the ‘Common property’ or Funds of the Foreign settlements. The Recreation Ground, and the Fire Brigade (excepting the mere return of the Fire Engine Lot by the Foreign Consuls) do not concern the other Consuls.

Land Registration Fees. I have made several enquiries from the Kusaibansho, but I have only one answer to the effect that so far as they are instructed fees will have to be charged.

There are several Br. subjects who would like to make transfers, but apparently they will have no option but to pay the fees.

Joseph Walton M.P. who is much interested in the China Question as doubtless you

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

know arrived yesterday & hopes to call on you tomorrow. ²⁶ He is shortly proceeding to Corea & Peking & Chungking.

Yours very truly

Henry A.C. Bonar

85. Bonar to Satow

25 July 1899

My dear Sir Ernest,

The German Consul also had a visit from the Fr. Consul on the subject of Cert. of Origin; and the former brought round a memo in print handed to him by Retard really embodying the “Imp. Decree 385 as amended by Decree 363 of 29 Dec.”; but § 6 copy of wh. I enclose was marked in red pencil and the words ‘Note échangé le 5 mai 1899’ on it.

It remains to be seen whether the ‘note échangé’ provided for that section to remain in force – for the length of the Treaties – in the manner in wh. the Fr. Consul assured me.

Another little matter is being discussed between the “Nai” & the “Gai” mushō – as to whether Consuls should make a residential report to the Police, like others. The Russian & German Consuls have gone to the Kencho about it & the latter has communicated with his Minister (so I understand) who thinks that Consuls should be exempt. I think so too, for it is decidedly infra dig. to go and report oneself to the Police office – or report one’s official movements say from one port to another. I hope we may have your support in that matter. There is considerable dissatisfaction at the idea of making this report, and it is not one which Japanese have to make. It gives the proceeding the appearance of “petty” jurisdiction.

I have no doubt that any of us wd. willingly report to the Kencho the members of our families & servants, if such a report is needed for municipal reasons. The idea that most of us hold is that the Emperor’s ‘Exequatur’ recognizes us as resident in a place. Are you free one of these evenings? If so may I come & dine with you? My wife & brother are in Nikko. Yours truly

Henry A.C. Bonar

86. Bonar to Satow (original file p. 195)

26 July 1899

²⁶ Walton called on Satow in England on 3 September 1897, and on 25 July 1899 by appointment. (Diary, 25 July 1899, quoted in Ruxton, 2003, p. 376)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

My dear Sir Ernest

Many thanks, I shall be delighted to dine and sleep tomorrow evening. I liked Walton and he seems keen about his 'profession.'

The French Consul's statement about Certificates of Origin & duration of benefit was quite plain, but I will try and see him about it. I think the German Consul must have reported similarly to Ct. Leyden.

Re – Residential reports.

Personal attendance is necessary or seems exacted. If it absolutely necessary for Consuls to send in theirs perhaps the Kencho will receive it from us.

Yours very truly

Henry A.C. Bonar

87. Bonar to Satow

28 July 1899

My dear Sir Ernest

In order not to raise any question of payment of fees for registration of any matter relating to immoveables before the 4th August, would it not be advisable to delay notifying Br. subjects in the terms of Circ. No. 29 of the 26th inst. until after that date? [Satow's handwriting: Yes.]

As leases, and probably some conveyances by way of marriage settlements (§ 4 of Circ. No. 28 of 26 July and last § of circular) have not been reported to the Local Authorities, I had – I suppose better do so at the first opportunity.

We are now going carefully through the Register for that purpose.

There has been no reason why leases should be notified to the Authorities, and there seems no urgency for doing so now unless such a report to the Kencho will exempt the lessors & lessees from re-registration at the Kusaibansho under Ordinance 329. In any case there are only very few leases registered here.

Yours very truly

Henry A.C. Bonar

P.S. The notification I propose to make will be a short one in the newspapers recommending Br. subjects to apply for information at the Consulate with ref. to Ordinance 329. Advertising is very expensive, & it is worthwhile Br. subjects coming to us for information on the subject.

I should say there are less than a dozen leases registered, some of which are only for houses.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

88. Bonar to Satow

31. July 1899

My dear Sir Ernest,

I have not ceased to see people, so have not had an opportunity of writing a short memo. on the 'Tamsui' Land question.

Both Woolley & the shipping man of Strachan & Co. interviewed me this afternoon and pointed out new hardships under the new Customs' Law. Whereas formerly (i.e. under the old law) a 'manifest' could be corrected within 24 hours on payment of 15 yen, such a facility is now denied. That's not mentioned, but there is no such provision. In addition Art 77 of the Customs' Law (Penal clauses) imposes a fine not exceeding 500 yen for a variance between manifest & goods. Now it appears that errors in shipments of thousands of tons of cargo can hardly be avoided, and that every ship is certain to have to pay fines. If a merely nominal fine for an accidental misdescription is exacted no hardship occurs, but shipping people in the "know" think that the exaction of fines is not made a matter of minute enquiry.

The Prefect is going to assist me in the best way he can with deserters, of whom 3 more are about. You will see I sentenced the men this morning with the idea it wd. deter others.

Since receiving your note I have sent round to the Judge of the Kusaibansho. If I can hear in time that he will make transfers without fees I will let it be known as soon as possible.

I understand a meeting of land renters will take place to discuss the question of transfer fees as being contrary to Art. XVIII of the Treaty. I will let you know all I hear.

Thanking you for your kind hospitality wh. I enjoyed so much.

Yours very truly

Henry A.C. Bonar

89. Bonar to Satow

5.30 p.m.

31/7/99

My dear Sir Ernest,

I have just seen the Prefect. He tells me that more than likely he will furnish a certified copy of his Land Register. In that case the question is simplified.

From the Kusaibansho I can only get the answer that the Judge in charge had not received instructions one way or another, and that he intended the fees should be paid, which leaves us where we were.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Yours very truly
Henry A.C. Bonar

90. Bonar to Satow

32 The Bluff

9 pm 31/7/99

My dear Sir Ernest

I see Brooke has made a fool of himself again, or rather has something silly in his paper. But I was – quite by chance – able – this evening to prevent him from having a paragraph regarding those warrants whose execution – he was going to state – had been resisted by the Police. I pointed out to him that by writing that way he was likely to prevent the very thing which was wanted – namely to exercise jurisdiction. So I went to the ‘Herald’ office & had the offending paragraph omitted – without Brooke himself giving the orders. I think that’s the best way to deal with him.

Under any circumstances I think it is best to give instructions to members of the Consulate generally – not to give away news which are not facts.

The arrangements I have made with the Prefect will answer very well.

Sorry to trouble you with this 3rd note today.

Yrs truly

Henry A.C. Bonar

P.S. ‘Fire Brigade’ looks more hopeful & may be settled tomorrow. The whole difficulty is caused by ‘personal’ feeling between two leading Br. subjects!

91. Bonar to Satow

1 Aug. 1899

My dear Sir Ernest,

Before I “use my influence” I send for your perusal a letter just received from the Y.F.B. from which it is satisfactory to note that an agreement has been arrived at as to the working of the Fire Brigade – The hitch now appears with regard to the Lease. Do you think I can advance the argument that the Fire Brigade continuing to exist, the Land is transferred to the Japse. Auths. in place of the Consuls. Naturally I will communicate with my Colleagues, but I had better prepare the ground with the Prefect.

In the agreement I see the desired arrangement as to the Lease is not included. I suppose the matter had better be settled locally. Kindly favor me with your opinion as to whether Art XVIII [of the Treaty of July 16, 1894] can be made to apply.

Yours very truly

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Henry A.C. Bonar

P.S. As I can get no definite answer from the Kusaibansho I have made verbally this arrangement with the Judge in charge – & which I hope you will approve of – that the Fee stamps which should in the ordinary course be used for payment of fees, remain uncancelled until after the 3rd August, so that they can be returned in case you can make an arrangement in Tokio for the suspension of fees or transfers until that date. That seems to be the only remedy left. Paying fees under protest is no use, as the paying (& cancellation of stamps) is the essential part of registration. Kindly send me a message on this subject.

Copy.

Yokohama 31 July 1899.

H.A.C. Bonar Esq.

Her Britannic Majesty's Consul,

Yokohama

Sir,

I am directed by the Committee of the Yokohama Fire Brigade to call your special attention to the terms of the Lease of the Fire Brigade Premises, on behalf of the 30 British Fire Insurance Companies who are subscribers to the Fire Brigade Funds, as having been leased to the Consuls in trust for ever for the Foreign Community for the use of the Fire Brigade. My Committee desires me to express the hope that you will use your influence to see that this lease shall in accordance with the Article XVIII of the British Treaty be only transferred to the Japanese Authorities as Trustees, with no conditions whatsoever other than those contained in the existing Lease, and that a certified copy of the Lease and its transfer may be communicated to this Committee.

I have the pleasure to enclose copy of a memorandum, which has been agreed to by the Prefect of the Kanagawa Ken and which will be made the basis of an agreement for the future working of the Brigade.

I have &c.

(Sd.) James Walker

Chairman Fire Brigade Committee

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Memo re Yokohama Fire Brigade:
[typed, p.207 in file]

The Ground is leased to the Consuls of all Powers having Treaties with Japan & their Successors in trust for ever for the Foreign Community for the use of the Fire Brigade. This appears to be a case covered by Art XVIII of the British Treaty & so far as the Lease is concerned, that must be transferred under exactly the same conditions, to the Japanese Authorities, as Trustees, in the place of the Consular Authorities.

The following Agreement has been arranged with the Governor as to the future working of the Brigade.

I...That the Buildings Material & Plant of the present Brigade be lent free of charge to the Japanese Authorities, who shall therewith establish a Fire Brigade, the scope of which shall be as similar as possible to that of the present Brigade.

II...That the Foreign Fire Insurance Companies who support the Brigade shall nominate Two Honorary Advisers who shall be the medium of communication between them & the Japanese Authorities.

III...The Duty of the Honorary Advisers will be to hand over periodically to the Japanese Authorities, the necessary Funds for the running expenses of the Brigade, including Wages necessary repairs & renewals of Plant & buildings.

IV...In the event of vacancies on the Staff, the Honorary Advisers shall nominate suitable persons to fill the vacancies & suggest the rate of wages to be paid, the appointment to be made by the Japanese Authorities.

V....That the Staff be kept up as at present, the Foreign Employes being re-engaged by the Japanese Authorities for three years, but subject to Six Months notice, & the Japanese Employes monthly and at the present rate of Wages.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

VI...That the Buildings be appropriated as at present, to the purposes of Residence of the Staff, Engine House &c, any necessary change being on the proposition of either the Japanese Authorities or the Honorary Advisors & subject to the approval of the other party to this Agreement.

Part of the original, showing poor legibility:

VI...That the Buildings be appropriated as at present, to the purposes of Residence of the Staff, Engine House &c, any necessary change being on the proposition of either the Japanese Authorities or the Honorary Advisors & subject to the approval of the other party to this Agreement.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
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[p. 208, continued]

VII..That a certified Copy of the Lease & its Transfer be handed to the Honorary Advisors.

VIII.That this arrangement exist so long as the Honorary Advisors provide the necessary Funds for the up-keep of the Buildings & Material & payment of the Staff, but may be terminated by Six Months notice on that part.

IX...The nomination of the Honorary Advisors shall be subject to the approval of the Japanese Authorities & shall be made annually at the Annual General Meeting of the Agents of the Fire Insurance Companies subscribing to the Funds.

X....The control of the Fire Brigade shall be exercised entirely by the Japanese Authorities, who should however in all matters ---more particularly concerning Fires within the area of the hitherto existing Foreign Settlement---take into consideration the wishes & experience of the Foreign Advisors.

XI...The Accounts for the necessary disbursements shall be made up monthly by the Honorary Advisors & paid by them and receipted Accounts forwarded to the Japanese Authorities.

XII..That in the event of the Honorary Advisors not providing Funds in terms of Clause III, the Japanese Authorities shall have a Lien on the Buildings & plant for any expenses they may incur in consequence.

Memo.Owing to the correction from the original draft as to the method of payment as per Clause XI, an alteration in Clause III will be necessary & this Clause might read

III..The Duty of the Honorary Advisors will be to collect from the Foreign Fire Insurance Companies who support the Brigade the necessary Funds for the running expenses of the Brigade including Wages, necessary Repairs, & renewals of Plant or Buildings.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

92. Bonar to Satow

Confidential

2 Aug. 1899

6.15 pm

My dear Sir Ernest,

The matter on which I am sending Hampden to you to report confidentially the tenor of an interview the Prefect came to have with me this afternoon is too lengthy to write about, tho' I should like to have your reply in writing as to whether I should avail myself of any means open to me to comply with what is evidently a very earnest wish on the part of the Prefect.

I have talked the matter over thoroughly with the Judge, and we are of the same opinion, i.e. if you think it desirable we can 'manage' naturally enough to regard that wish of the Prefect, but that having carefully considered the position before the men were sentenced there is nor reason why one should do anything in the matter. It is more than likely that had nothing appeared in the press the matter would not have been noticed. But I explained to the Chiji that acting as we did, we could not possibly exclude the Press from the Court.

Yours very truly,

Henry A.C. Bonar

P.S. The question of Income Tax on bonds seems somewhat difficult to answer.

93. Bonar to Satow

Private

3 August 1899

My dear Sir Ernest,

Owing to press of work I have not been able to give the Formosa 'perpetual deed' question much attention, but I hold that under the circumstances the question is not an urgent one, and that in view of the arrangements already made – if they are satisfactory to Br[itish] Subjects there is no need to make fresh arrangements now.

1. I did discuss the matter with the "Foreign Section" & no doubt had Sugimura remarried something might have been arranged.
2. At the present moment Legislation by the Governor of Formosa is such an uncertain matter that there is no knowing what he would do later – in respect of taxation – which might prove disastrous to the foreign holder.
3. The compradores of the firms are in many cases the lessors, so they can easily be made to pay. In the case of Lapraik, Cass. the owner or lessor is Masujima, so the

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Japanese can apply to him for groundrent.

4. If the present Law of Japan applies to Formosa then a Prefect would not appear to have the right “on behalf of the Japanese Govt.” to make a perpetual lease to a foreigner. In any case it would appear that the Governor of Formosa should make such a lease.

Again, if the Formosan Government made a perpetual lease would the Government of Japan be bound by it? It seems necessary that the Governor’s powers be clearly defined.

5. The term[?] of 15 years after which groundrents are to be reserved does not at this distance appear to me at all satisfactory, and of course it does away with the essence of a perpetual lease.

6. The mode of assessment as Layard suggests would prove unsatisfactory.

7. So long as the groundrent for the first term of 15 years is not even discussed the other provisions of the lease are of no consequence.

Generally speaking there seems to be no reason to discuss a matter which the Govt. of Formosa have for five years or so neglected & which they want to discuss now only because they find it difficult to collect groundrents.

Probably my remarks throw no light on the subject, but my experience of the “Foreign Section” in Taipeh is not sufficiently encouraging to recommend negotiations with it.

I return Layard’s letter & the Dft. Agreement.

Yours very truly

Henry A.C. Bonar

P.S. Of course the above is only my private view, and probably Layard has reason to hold other opinions.

94. Bonar to Satow (report)

Yokohama Consulate

3 Aug. 1899

With reference to my message confidential of last evening I desire to report that the Governor again called on me this morning and privately asked me to cause the release of the Br. seamen undergoing sentence in the Br. Jail at the present moment. That in the event of this not taking place he was bound to make an official protest (probably today) which I understood him to mean would be twofold – as against the exercise of jurisdiction after the 17. July and also against the carrying out of a sentence inflicted after that date – whh. would extend beyond the 3rd instant.

The Governor intimated to me that his protest, and the discussion in the Press of these

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matters, must embarrass the Japanese Governor. Bearing in mind the peculiar nature of the circs., I have thought it my duty to avoid, if possible, any protest of that nature, if such could be avoided without interfering in any way with the instructions in the matter of jurisdiction after the 17th July recd. from H.M. Legation.

The only course open to me to arrive at a satisfactory conclusion, namely the application of the master for the return on board of imprisoned seamen to resume their duty in accordance with subsec. 4 of M.S. Act S. 223 has been unsuccessful insomuch as the Master of the 'Senator' has applied for the release of one out of the four seamen at present in jail after I had offered him the opportunity of applying for all. The order for release of one man was made.

I feel that I cannot put any pressure on the master to apply against his will for the release of the others who will consequently remain in jail. I must therefore inform the Governor privately of my inability to arrange the matter in the manner which he has indicated as satisfactory. As to the handing over of the men to the Jap. Auths. for further punishment after the 3 Aug. I am informing the Governor that course is not possible.

If you consider it desirable I could doubtless persuade the captain to apply for the release of [the] other men. Such release if effected would most likely lead to trouble on board ship which the sentence was intended to avoid.

95. Bonar to Satow

[Ansd 4 Aug.]

3 August 1899

6.30 p.m.

My dear Sir Ernest,

I have finally been able to arrange the matter under discussion & the Jail will be free this evening. Of course it is the most satisfactory termination of the incident, and in the last instance I could only tell the Captain he had better carry out my suggestion. It placed me, however, in an awkward situation. I am thankful, however, the matter is settled, for I feel certain from what the Prefect said that there would be much fuss.

W.B. Walter [of Jardine Matheson & Co.] amid all this worry has come in & made much fuss the unsatisfactory position in wh. British subjects were placed as regards transactions in land & buildings, & he lost his temper; he had come with the determination of doing so, I presume. He wanted me to notify the Japse Auths today that he had certain buildings worth so much. I replied there was no means of my doing such a thing and no provisions for it at this hour. He complained of the facilities afforded to the French & said many unkind things about Br. officials generally.

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However he could get no further with me. He said J.M. & Co. had never during the last two years been able to get anything done at the Consulate!!

I think I will avoid Saturday evening's function & get away to the hills. I did not anticipate the 3 Aug. would be so trying. But all's well that ends well.

Yours very truly,

Henry A.C. Bonar

96. Bonar to Satow

Private & Confidential

Yokohama

4 August 1899

My dear Sir Ernest,

I have just received your note of yesterday and thank you for it. I intended until the receipt of it to come up and see you this afternoon with reference to the matter which has, and was by last night, completely settled, and I beg you will give your particular consideration to the matter now so far as it concerns me officially and personally. Officially it is my desire to address you a "confidential" despatch in which I shall attempt as shortly as possible to state all that has occurred, with only the vaguest reference to the great fuss as you say that would have ensued had the matter not been settled as it has been. I propose also to ask you officially to give me your approval, and to obtain that of Ld. Salisbury (if such is a proper course as under the circs. I think it should be) to the action I have taken. My grounds for asking this of you – and the question of official approval is one of much concern to me – are 1st that I was from force of circumstances placed in a very difficult position vis-à-vis of the Japse Authorities, the shipmaster, my colleagues, the public & the officials of the Court & Consulate. This may appear to you to be giving more importance to the whole matter than it deserves, but I cannot help saying that a great deal of principle was involved.

The Governor told me on the two distinct occasions that the question of the imprisonment after the 4th August and the continuance of the jail after that date were things that the Government would not admit. He doubted, or seemed to doubt that any agreement on the question of jurisdiction after the 17th July had been made by the Foreign Minister, and that at all events he had not been officially informed of any such agreement, and that he had not even any "open" instructions in the matter. This leads to the supposition on my part (and I believe it has some foundation) that the Home Office's Depart. of Justice were inclined or wished to place Viscount Aoki in a hole, by making him responsible for arrangements which – so it appeared – his colleagues the

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Ministers of State were not aware of. Whether that is so or not, Asada told me plainly that not only would the “opposition” take the first opportunity of asking awkward questions on the subject from the government but that it was a very “awkward” “mondai.” [problem] He further said – and I suppose he was instructed to say it – that Great Britain having been the first to recognize the demands of the Jap. Govt. for jurisdiction, it would be extremely unfortunate that on the very date of the celebration of the coming into operation of the New Treaties there were in the British Jail prisoners who had been sentenced subsequent to the 17th July. All this & much more which is difficult to relate he said to me no doubt with the object perhaps of making me feel that I at all events had been incautious or too anxious to avail myself of any special arrangements made. In that respect, of course, I am sufficiently certain after my conversations with you last Saturday & Sunday that what was done was done after careful consideration. It was difficult for Hampden to state in an unmistakable way the drift of the Prefect’s remarks which he had not heard, but which were emphasized when yesterday morning the Prefect told me that he must lodge his protest unless arrangements could be made for the release of the men. I told him that what could be done in a legal way, shd be done, but that I could not “muri ni” compel the ship’s master to ask for men whom he was particularly anxious not to have on board. In fact he refused to have them. It was under these circs. I sent you a message, the reply to which made it clear I must do all I could to arrange the matter. There is probably little doubt in the Prefect’s mind but that I was “instructed” to operate the release of the men. He hinted at compensation to the master if any expenses were incurred by the latter (if he had got at him then things would have been much easier)! As it was I had to inform the Master of the ‘Senator’ after his previous refusal to take the men back, that he had “better” do so for reasons I need not go into, and finally at 6 pm I got him to make the necessary application.

Vis-à-vis of him I have doubtless used means which strictly speaking are not contemplated by the M.S. Act & to him also I must appear of having taken back my own words on the Bench in releasing men against his will. Whether at some time he will talk about this, does not matter much perhaps, but if the Board of Trade did hear of it it would be as well that my action under the peculiar circumstances should not be commented on by the B/Trade.

Vis-à-vis of my colleagues the matter is not of much importance, except that they will naturally come to the conclusion that I acted ‘ultra vires’ & that I have been compelled by some means to make my mistake (?) good. It was only an hour or so ago that the German Cons. Genl. made a point of asking me whether after the 17th July we had

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jurisdiction. Of course I replied in the affirmative. So far as the public is concerned they may never take any notice of the affair ; in any case it will be impossible for me to do – as you suggested in your first note I should – make it known that I acted in accordance with instructions.

So far as this Consulate & staff is concerned the matter must have appeared extraordinary, and that no option was left to me. But for the purposes even of a record in the Consular Archives I trust you will be able to give me emphatic support in the somewhat ‘underhand’ way in which I have acted.

There is no doubt a large question has been avoided, & that Visct. Aoki ²⁷ has particular reason to be grateful to you for the help you have given him in this matter. I hear he was down here yesterday, & I even heard that he would (or he may have jokingly remarked to the German Consul that he was going to) demand the surrender of some imprisoned seamen from me.

While I hesitate to ask for recognition of any difficulties I may have had to contend with here I feel quite certain that you have been aware all along of my desire to arrive at understandings with the Japse. Auths. not only friendly but satisfactory at the same time. In the present instance I think our attitude has been more friendly than satisfactory, but that can’t be helped.

Kindly let me have a line in reply – this evening if possible, to say that (if you approve of it) it would be well for me to send you the despatch which I am drafting, so that I may feel personally satisfied that my action will be endorsed officially.

I have enjoyed Boyce’s visit, he is very cheery.

The Kencho tiffin today was hardly a successful affair. The health of the Emperor proposed in French by Ritter was only gloomily responded to, as no one knew I suppose, what he was talking about. The [] is quite gay.

If a little later I ask for a few days’ leave to spend a few days at Hakone, I think Hampden might have a few days’ charge. He has been most useful & I don’t know how I should have got on without him.

Yours very truly

Henry A.C. Bonar

²⁷ Aoki Shuzō 青木 周蔵 (1844-1914) from Nagato (Yamaguchi prefecture) was Japan’s Foreign Minister from 24 December 1889 to 29 May 1891, and in the second Yamagata cabinet from 8 November 1898 to 19 October 1900. See Ian Nish’s portrait in J.E. Hoare (ed.), *Britain & Japan: Biographical Portraits* Volume III, Ch. 12, pp. 132-143.

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

97. Bonar to Satow

Private

5 August 1899

My dear Sir Ernest,

I was extremely glad to receive your note of last night, my official despatch will reach you some time next week – there is no mail at present for home.

Perhaps you have seen the enclosed extracts [see next page]. I saw the Prefect this morning & he was, he said, extremely pleased, at the settlement of the matter. The Judge of the local Court also informed me last night that he had no knowledge whatever of any arrangements that had been made by the Foreign Office in respect of jurisdiction.

The Yokohama Fire Brigade still proves a tiresome question & the Prefect has again asked me to intervene, & next week I will do all I can. Lowder's draft agreement can hardly be accepted by the Japse. Auths. here who in any case are not empowered – even if they wished – to make special arrangements or agreements with individual foreigners – representing the Fire Insurance C[ompan]ies.

I have to avail myself of the new arrangements for the arrest of 'deserters'. It remains to be seen how easy it is to deal with cases of ships' discipline hereafter.

I don't know what you will think of Ritter's speech. The manner & emphatic tone in which he delivered it must have had an unpleasant effect on the Japse. who understood French. I think only the French Consul was made aware of what Ritter was going to say. I hardly call this dinner a success. The time is past for recrimination by foreigners.

As to my short local leave I shall be glad if from the 10th or 12th – as soon as I have cleared up things – you will give me leave. I shall go to Hakone & if anything special shd. occur I wd. willingly go back if necessary, to resume charge at a moment's notice. Of course I mean to be back for Fleet's arrival. Hoping you will have a pleasant time at Chiuzenji.

Yrs. very truly

Henry A.C. Bonar

P.S. I have not mentioned any time (no. of days) for leave, in order to be able to return, even after 3 or 4 days' absence, in the event of a question being raised by some other Consul or by the Prefect which it would be desirable, from my previous knowledge – for me to attend to rather than Hampden. It's not unlikely the French Consul will make a fuss, in which case I would like to be there. Would such an arrangement as to leave be inconvenient. If so I will state 10 days or 12, but I would prefer the option of 2 or 3 days more if everything is quiet.

Extracts from *Tokyo Asahi Shinbun* for August 3, 4 and 5, 1899 as cuttings.

●英國領事廳の判決
 横濱碇泊の英國帆船セチ
 ーター號乗組水夫セームスエーファッチ、ポール
 サーマンの兩名は去三十日以來無斷にて外出し
 たる廉により一昨日英國領事廳法廷に於て判事補
 エッチエーシーボーナル氏の詰問を受けファッチ
 ハ三週間の苦役サートマンハ一週間の苦役を科し
 兩人とも二日の給銀を沒收し裁罰費用を負担せし
 むるに判決せられたり、又去廿九日にも同號の
 水夫ノルデルバーク、ヴァーリクシヨットの兩名
 船内にて職務を怠慢せし廉により英國領事廳に
 於て兩人とも三週間の苦役三日分の給銀沒收に處
 せられ裁罰費用を負担せしめられたり、右ハ畢竟
 船中の規律に關するに於て領事條約に遵據したる
 ものなるべきが或ハ又日本の法律に當嵌らぬとな
 らば本國に求刑すべし然らざるも日本の裁罰月足
 未刑して罪の有無を決すべし兎も角新條約實施の
 今日に於て英國領事が裁判權を行ふハ失當ならず
 やとの疑問を抱くものもあるよし

August 3rd

●英國領事廳の裁判
 一昨二日も亦英國帆船セチ
 ータ號の水夫が就職を拒みし廉に對して判決を下し
 且つ船員中尙斯の如く求刑すべきものあらば昨三
 日迄に求刑すべき旨を船長に告げたりとの事に果
 して然らば英國領事ハ佛澳條約の昨日迄存續す
 るに均霑する積にて裁判權を行ひたるものならん
 かとて轉た疑問を増したるものもある由

August 4th

●英國領事廳の判決に就て
 横濱なる英國領事廳が過日來横濱碇泊の帆船を逃
 亡したる水夫に對し數回の判決を爲したる事實ハ
 既記の如くなるが新條約實施の今日に於て英國領
 事が捕ま、に裁判を行ふハ頗る不當の觀なき能は
 ず事件の性質ハ小なれども其の理由ハ正さざる可
 からずとの議論外務省中に行はれ目下講究中の由
 その講究の長からんより寧ろ其の交渉の早から
 んことを望ましけれと云ふものあり

August 5th

These concern minor punishments administered by Bonar as Consul to British merchant sailors. Two sailors escaped from the merchant ship *Senator*, and two more were lazy. The articles question the exercise of consular jurisdiction just after extraterritoriality was officially abolished on July 17, 1899.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

98. Bonar to Satow (p. 233 in original file)

8 August 1899

Private.

My dear Sir Ernest,

The Japanese Press have made so much noise about the matter of 'Senator's' men that finally 'Herald' & 'Gazette' – I believe 'Kobe Herald' first – have tackled the matter. Both 'Herald' & 'Gazette' men came upon me unawares with the telegram reproduced from the Kobe Herald & enquired what was the truth of the matter. I considered the only dignified statement I could make was that the sentences passed in the Court were in accordance with arrangements made; and that the men went on board their ship in consequence of the application of the master. Had I not stated that the 'Master' might have been got hold of & given me away completely by saying that I had persuaded him into it. Wise[?] had hoped that no more allusions wd. have been made, but they are being made & one can only hope that something more exciting will happen.

I spent a few hours at Hakone on Sunday. I have not yet recd. your desp[atch]. about leave at the time of writing this. I shall send you before long my reply to the Circular about Land Registers. I had this morning a long conversation with the President of the Local Court who, I think, has much clearer & liberal views on the subject of Land Registers. Walford has shown me one draft of letter he is going to send me as to Fees to be paid. I think the arguments are good.

In gt. haste,

Yours very truly,

Henry A.C. Bonar

99. Hampden to Satow

British Consulate

Yokohama.

August 11. 1899

Dear Sir Ernest,

I communicated what you said about income tax in your letter of the 9th to Nicholson and enclose copy of a letter from the Bank which seems to show that they have a good case.

The instance of exemption mentioned was not isolated: the exemption of foreigners' coupons from taxes has amounted to a practice. I saw two letters from the Hongkong Bank to a Japanese Bank, dated towards June 23, requesting payment of coupons due on June 1, 1899 without deduction of tax, the holders being foreign: and no difficulty was

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

made.

Indeed at one time the Hongkong Bank used to forward a detailed list to the Japanese Bank (I believe the Chuo Kinko) of the names of coupon-holders when asking for payment, but were subsequently told that an intimation whether the holders were Japanese or foreign was all that was necessary.

The President of the Chihō Saibansho here told me this morning that the Central Authorities are now considering the propriety of making some alteration in Imperial Ordinance No. 329 of July 7, 1899 (re Immovables) but that the matter is at present only under consideration & investigations are proceeding.

Yours truly

E.M. Hobart-Hampden

Copy

Hongkong & Shanghai Banking Corporation

Yokohama August 11th 1899

H.B.M. Consul

Yokohama

Dear Sir,

Referring to our letter to you of the 5th inst. I beg to inform you that I sent to the Chuo Kinko, on the 22nd June last, coupons of the Imperial Japanese Govt. Loan Bonds, value ¥2043.75, which sum was duly paid to this Bank, without any deduction of Income-tax.

Yours faithfully

(sd) J.C. Nicholson

Sub-Manager

100. Bonar to Satow

Private

Hakone

14 August 1899

My dear Sir Ernest,

I send herewith amended 1st sheet of my desp. re ‘Senator’ and thank you for your friendly suggestion as to the alterations – which I have now made. ‘Inflict’ was the wrong word – I had in mind punishment. As to the manner in which I asked approval I can only blame my inexperience, and the desire that was at the moment uppermost that at some later time the Board of Trade might not “go for me” if it leaked out that I had used too much ‘persuasion’ vis-à-vis of the Master. One can never tell.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

I am afraid you will find my despatch which I hope will reach you soon after this on the subject of 'Land Registers' a very wearisome one. The questions asked in the Circular cover a great deal of ground, and I thought it just as well that I should record officially the opinions exchanged between me and the President of the Local Court who is I believe quite in the dark as to the value of 'Title deeds'. I quote the Jap. text of the Treaty which seems to me to make the distinction between the rights of lease confirmed, and the actual document conveying these rights perfectly distinct, and I fail to see how the difficulty will be got over as to the conditions imposed unless, by consent, the Local Auth. continue to be represented by the Kencho. That solution would much simplify the question of the transfer fees which will probably [be] brought before you shortly. Please let me know privately at your early convenience to what extent you endorse my views as expressed in the despatch. I arrived here yesterday the 13th & hope to have some rest.

Yours very truly

Henry A.C. Bonar

101. Hampden to Satow

British Consulate

Yokohama

August 23. 1899.

Dear Sir Ernest,

The Hongkong Bank have decided not to pursue their claim for exemption from income tax on the Bond coupons presented for payment on August 2, as the amount at stake is so small.

I have suggested that they might at least quote to the paying Bank the first sentence "All revenue law shall be applied to Foreign Residents on & after the 4th of August 1899" in the Circular issued by the Taxation Administration Bureau here (Encl'd to Legation in Bonar's No 33 of July 21. 1899.)

Yours truly

E.M. Hobart-Hampden

102. Bonar to Satow

[Recd. 6.45 p.m.]

2 Sept. 99

P.S.

4.30 p.m.

My Dear Sir Ernest,

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

I had already written on the subject of the Land question, when I heard that it would be better that I should come and see you today, rather than tomorrow as the Judge was with you. Tho' I have still more to say in support of my contentions I feel that as the Judge and I have not as yet discussed the matter so fully it would not help much for me to argue any further on the matter. I may have adopted a wrong view of the whole case, and I have tried to confine myself to only one point, the 'Title deed' but I am quite unable to give any value to the meaning of 'chijoken' & 'shinchakuken' & am afraid to appear obstinate by arguing that neither of those terms should be accepted.

Yours very truly

Henry A.C. Bonar

P.S. The deed of conveyance form I send is the one that has generally been used. Buildings are never mentioned in it.

103. Bonar to Satow (p.244 in original file)

4 September 1899

My dear Sir Ernest,

While I shall make what enquiries I can in the matter of the enclosed letter, I have thought I should be able to give a more satisfactory reply to it, if you will kindly allow Lay to make enquiries at the Naval Depart. as to the whereabouts of the 'runaway'. Though there is nothing clear as to his name I presume it is Saigo [Saijo?] Kawashima. The point as to the marriage is interesting. It sounds bona fide.

Walford has sent a title deed to the Kusaibansho asking for recognition of the rights therein – as to the transfer of Healing's Lots. I shall have an answer on Wednesday.

Yours very truly

Henry A.C. Bonar

104. Bonar to Satow

Yokohama

5 September 1899

My dear Sir Ernest,

I have informed Harrington that you wish him to proceed to Formosa. He will be ready to go soon; but as there are steamers only on the 10th & 18th of the month he would hardly be ready to go by the first date, especially as Hampden is away for a few days' leave until the 11th.

If I may express my personal wish it is that Holmes should come here and not Gordon. I fancy the latter would be little use at this Consulate for the reason an active

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

man is required, and I don't think Gordon can be.

The German Consulate have increased their staff here which consists now of

Cons. Genl.

Vice Consul

a "Regierungsassessor" beschäftigt beim Kaiserlich D.G. Konsulat in Yokohama, &
who has just been sent out from the German F.O.;

an Interpreter (Dr. Ohrt)

2 clerks (Germans)

This "Regierungsassessor" I suppose will devote himself chiefly to a study of the
[legal] codes. I have met him & he is not only an excellent English scholar, but I shd.
say a very intelligent man also.

It seems a pity the F.O. have not decided anything with reference to this Consulate.

Yours very truly

Henry A.C. Bonar

105. Satow to Bonar (p.247 of original file, draft?)

Tokio

7 September 1899

My dear Bonar,

I have had a long interview with Viscount Aoki this morning about the question of
registering leases in perpetuity, and think he takes my view. I shall press a decision but I
am afraid there must be some delay.

Of course, if the Judge of the Court will register a perpetual lease by copying it and
the transfers into the 4th column of his Register, that course may perhaps secure the
rights of the foreigners. But in that case the transfer duty of 2½ per cent on eitai chijō
ken cannot be levied, any more than if it is registered in column 1 or 3. It seems to me
however that the column for the registration of perpetual leases ought to come before
the column headed chijōken, and that the register is defective in form.

Please make it clear to me whether [it is] the kusaibansho or the chihōsaibansho that
registers, and if the former, whether the President of the latter court is in charge of
matters relating to registration. In your note of 4 Sept. you say Walford had sent a title
deed to the kusaibansho, in your letter of the 2nd you say the President of the Chihō
Saibansho is charged with matters relating to registration.

Do not forget to send me a specimen of the Register book for foreigners' buildings,
as well as of the register for the corresponding rights of Japanese in land and buildings.

I observe an article in the "Advertiser" of the 5th which makes some observations as

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to my views on the subject, which to say the least are out of date. As I wrote to you on the 1st I thought that Ordinance 329 is not in accordance with the Treaty. I had that afternoon drafted my note to the Minr. for F.A. which is exactly on the same lines as Wilkinson's draft which you saw on Sunday morning. The newspaper has been misinformed. Up to the 31st when I saw you at Yokohama, I had never had it hinted to me that there was any question but that of whether the 2½ per cent should be paid or not. I wish you would be so good as to make it quite clear to Walford that the paper gives a wrong account of what happened, and that the point had merely come up in conversation. I remember you showed me a note of his, which to the best of my recollection referred to the question of the tax. Had Walford expressed any desire to see me on this matter, I should have been quite ready to discuss it with him.

Please tell Walford that if he wishes [me] to discuss this matter with him I am at his service, and that the reference to my views in the Daily Advertizer of 5 inst. is [not?] correct.

E.S.

106. Bonar to Satow (p.250 in original file)

9 September 1899

My dear Sir Ernest,

I have given Lowder the opportunity of making official representation re Judge Kuwada's action.

From documents forwarded to me by Swiss Consul General I hope to be able to report to you officially soon that all outstanding matters as to Cemetery, Fire Brigade &c. are satisfactorily settled, tho' the French Consul has placed on record his refusal to hand over anything to any juridical person without it first being transferred to the Japanese. I think that will not matter.

The Fire Brigade agreement or memorandum is accepted & I am glad to see most of my suggestions are embodied in it. No reference is made to the Lot. I propose to report everything officially – tho' shortly – with copies of the correspondence that has passed between the parties concerned.

Admiral Seymour goes to Hakone tomorrow & will stay at our house, but I shall not be able to accompany him. My brother-in-law must look after him. In any case he appears to wish to be left to his own resources.

Yours very truly

Henry A.C. Bonar

P.S. If I can offer you a night's hospitality on the way thro' to Kobe please let me know.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

I hope before you go to get in Walford's letter which I have now in hand.

107. Bonar to Satow

Yokohama

12 September 1899

My dear Sir Ernest,

Lowder wrote yesterday about Kuwada. I enclose his note. Apparently the refusal up to then had not been official.

I have now my draft covering Walford's letter. It is somewhat lengthy, and appears very argumentative. I hope, however, you may be able to agree with what I say. Will you be able to make any representation to the Foreign Minister before you go South, so that if possible the uncertainty now prevailing may be relieved as to the fee question at all events. I think Br. subjects should be able to proceed with transfers now – in some manner or another, although it is quite clear that the law as it stands, and the views of the local officials are unsuited. Would it under the circumstances be impossible, in view of the delay already suffered, to open Consulate Land Registers temporarily, until suitable legislation on the subject appears? It is not for me to urge it, but Br. subjects might be afforded some means of meanwhile dealing with property, and it would precipitate matters.

I have made an engagement for tomorrow afternoon, but if you are at liberty on Thursday could I see you in Tokio, bringing with me Walford's letter & my despatch, or could you spare the time to come down & lunch with me.

The Admiral returns tomorrow afternoon at 4.

Yours very truly,

Henry A.C. Bonar

P.S. I have let it be sufficiently known that these matters have your constant attention.

108. Lowder to Bonar (p. 254 in original file)

11th Sept. 1899

Dear Bonar,

I am obliged for your note of Saturday. Kuwada has not yet officially pronounced his decision on the question of registration of superficies; but he will probably do so this afternoon, when Akiyama will meet him, I believe, by appointment. As soon as judgment has been pronounced, Akiyama and I will consult as to the best course to be pursued.

May be that the Minister of Justice will be approached. But whether or no, it is

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without a new Imperial Ordinance, which requires the consent of the whole Cabinet.

To allow the consulate registers to be reopened would be to set aside the Treaty on my own responsibility. Nothing would induce the Japanese government to recognize transfers registered in our books under such circumstances. I regret the inconvenience to British subjects, and to the Frasers in particular, who are my good friends, but it must be remembered by the lawyers concerned that the question of the category under which transfers should be registered was not even mentioned to me before August 31. Walford's theory about transfer tax not being leviable has been a long time incubating, and it is hardly reasonable that I should be able to adopt it in a twinkling of an eye, and get the Japanese Govt. to follow suit with exactly the same rapidity. One thing at a time, and the question of registration comes before that of taxation.

I do not yet know what hour the Admiral leaves on Friday morning, but if I have not to go down to Yokohama tomorrow afternoon, I could see you here with Walford's letter and your despatch. I will telephone as soon as I know.

Yours very truly

Ernest Satow

112. Bonar to Legation Secretary J.B. Whitehead (p. 261 in original file)

Yokohama

Sept. 21, 1899

My dear Whitehead,

I have seen Kelly & Walsh re – Copyright of Aston's book. They will write me a letter on the subject which will – I think – be sufficient answer to Messrs. Heinemann. The latter, for some reason, ignore part of Kelly & Walsh's first letter to them last year in which they stated they could not legally get copyright, but that they had a method of their own which answered the purpose, & it was that method which they offered, but wh. owing to the paragraph which Heinemann caused to appear – was made impossible.

I will send Kelly & Walsh's letter as soon as I receive it, and unless you think it necessary there will not be any need to send the matter officially to this Consulate. As to the present law on the subject – and as to whether it could be made to apply retrospectively (wh. is extremely doubtful) I can hardly express an opinion.

Yours very truly

Henry A.C. Bonar

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

113. Bonar to Satow

Yokohama

27 Sept 1899

My dear Sir Ernest

The enclosed is what I received from Sharp – manager of Kelly & Walsh as a result of my conversation with him. I think it explains the situation ; I suggested that it was not necessary for him to explain how they got copyright ; if they chose to go about in a method not quite legal that was their lookout.

I have asked them for the paragraph in question. K & Co. are very indignant with Heinemann who appears to have wilfully ignored K & W's letter of Oct. 20 1898.

[French consul L.] Ratard's letter is pretty plain spoken. Looking at the question from the general point of view of intention as evinced in the 1860 Nagasaki Land Regulations which the Judge thinks must be taken into consideration, no doubt House Tax should not be imposed. But the 'House Tax' pure & simple is not limited to repairs of roads, lighting &c, ; the tax serves for various Ken expenditures, schools, jails &c. so virtually one will be claiming exemption from contributions for all those other objects, which, as the Prefect in the course of a private conversation this morning said had only come into existence after the land rents had been fixed.

Yours very truly,

Henry A.C. Bonar

114. Bonar to Satow

[Ansd. 30/9]

Private

Yokohama

29 Sept. 1899

My dear Sir Ernest,

I beg you will give my desp. about the writer a favourable reply; he was on the point of quitting or giving notice to leave on the ground I mentioned. I think the sanction I ask for is quite in order under the particular circumstances. I would not state that Maruyama corresponds exactly to what I proposed should be got for the Consulate, but he has undoubtedly been very useful, and the fact of his having no lofty pretensions has been an advantage.

The other matter I think is quite plain.

Land Tax I am sorry the Judge has not taken me in any way into his confidence except to say that the view of the House Tax I held – not based on the various

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
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documents he was going to consult – was wrong. I should be sorry to state anything which is wrong in fact, but I still have reason to think that it would be a pity to make a point of the House tax on grounds of policy – matters perhaps which are hardly within my province. I hope I may have an opportunity of hearing what the Judge’s opinion is ; for he appears to have construed unfavorably my abstaining from comment on that & the “Business Tax” point in my desp. covering Walford’s letter. I propose however, as soon as I can get more complete information to write you officially on the subject so far as Yokohama is concerned, and I am mistaken if the facts I advance are in favor of exemption from the ‘House Tax’. Wilkinson includes it & the Business Tax in the same category. If so the same arguments apply. They should be treated, I think, as quite distinct. Yours very truly,

Henry A.C. Bonar

115. Bonar to Satow

Private

Yokohama

2 October 1899

My dear Sir Ernest,

The gratuity for Maruyama was to cover the period up to Sept. 30th. I hope you will make a second recommendation to the Treasury for the consideration of the proposal I made in December last. I also think that eighty yen would be too sudden a rise for the present writer, but I think that in the event of the Treasury sanctioning the creation of the post I ask for Maruyama should be allowed to compete with any other candidates for the post. But I can hardly urge him to qualify himself more than he has done so long as there is no prospect of the post; but in the event of the Treasury sanctioning a salary “not to exceed eighty yen” I think I should be acting fairly to the Govt. and also to Maruyama by suggesting that for his present services he be paid at the rate of fifty yen a month; to qualify for eighty he would have to be as good as other candidates, and it would lie with him to undergo the necessary course.

Certainly I have always been of the opinion that land-renters should not pay twice over for municipal obligations undertaken by the Japse. Govt. in respect of settlement lands, but the question may fairly be put thus – are they on that account to be exempted from contributing to other expenses of the Prefecture and town? I don’t think their wish extends quite to that. Jails, schools, the public health (which by the way requires a large proportion of the taxes) were not contemplated at the time, and the result might be most unfortunate, or one would think the Town Authorities would refuse to perform their

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obligations (those that have not specially been stipulated for as roads, drains) towards foreign householders. This is only my personal view, officially I shall be glad for Yokohama landrenters to be exempt from all taxation they can possibly be exempted from. It's not an easy problem, however, for one can hardly imagine that the town population – not to say the Government – will contribute to those expenses which were not thought of originally but which circumstances have made necessary, if foreign residents do not – in some measure – contribute also.

I cannot find correspondence with the Legation on the 1860 Land Regulations. It is thought that there is a copy at the Legation ; I am having one prepared for you, nevertheless. The Judge thinks that they are the same as the Nagasaki regulations of 1860 September (this also I am ascertaining) – which are in the volume of (former) Treaties and Conventions. I can find no trace of correspondence with the Japse. Auths. on the subject.

Yours very truly

Henry A.C. Bonar

116. Bonar to Satow

[Ans. 7 Octr.]

Private

Yokohama

6 October 1899

My dear Sir Ernest,

I saw [W.W.] Till [of Cornes & Co.] yesterday who said he would not apply for a refund of the extra duty paid until after the departure of the 'Canadian' Mail ; so I am holding over – until they have informed me whether or not they have been successful in obtaining repayment. Strachan & Co's complaint that they cannot obtain refund of duty paid by them, under protest, on Twill Cotton Italians imported by them. The Customs have categorically refused the refund. Probably next week I will be able [to] forward the reply they make to Cornes & Co. on the same subject.

Yours very truly

Henry A.C. Bonar

117. Bonar to Satow

Yokohama

11 October 1899

My dear Sir Ernest

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

I have just telephoned you respecting the five B.S.S. arrested & detained yesterday; I am at the moment negotiating for the prompt release on bail of one man, Kent, who is a nephew of J.J. Efford a resident & who has been looking after the youngster since yesterday.²⁸ He came to report to me at 3 this afternoon for the first time, whereas he should have reported to me yesterday. I shall endeavour, in an unofficial way – to hear the version of the assault from the four shipmates of Kent who were released, and report fully on the case.

Later, no doubt, I may be in a position to state that Kent has been released on bail which Efford tells me is fixed at ¥300, which sum he is now taking to the Court.

I'm afraid I shall be sending you another Custom's case in the course of a day or two. I have just heard incidentally that Cornes have got the refund. As soon as [I] hear officially then I will forward Strachan's complaint, after referring it first to the Superintendent here.

I am very glad that the F.O. reply respecting Consular changes is to hand, and I hope you will approve of my suggestion that Hampden be styled V.C. and not Acting V. Consul. It will be more satisfactory so far as the Local Auths. are concerned, and will put him on the same level as the German and American Vice Consuls. He is away for a few days' leave just now, and as he is so modest about having any title at all I think it is quite useless to take his wishes into consideration. He has got hold of the routine and is so capable that I think there is no need to contemplate a better man filling the post, and he can then take definite charge of the Shipping Departt. which Hodges has unofficially presided over. When Hampden is away I make large demands on Parlett's assistance, and in the case of going to the Court or Jail to make arrangements for bail that the Junior assistant will carry no weight, & cannot converse[?] sufficiently. Holmes I find a very satisfactory assistant for the work which I give him.

I am looking forward with pleasure to come up tomorrow evening by 4.35 train with my wife.

~~I wonder is there any chance of music, would~~ I strike this out as I know there are

²⁸ In the 'Tamba Maru' case, a dispute arose between 3rd class engineer Horace R. B. Kent and steersman Umesako Toyomatsu. The *Tamba-maru* of Nihon Yusen Kaisha was moored at Moji when Kent blamed Umesako for smoking during working hours. Umesako denied it, and a fight ensued. Kent hit Umesako's right eye. Four other engineers came to Kent's aid and handcuffed Umesako, who sued Kent and his colleagues when the ship arrived in Yokohama on 3 October at the Yokohama Regional Court. The five men were arrested and confined in the police station. Medical doctors stated that Umesako's wound would take three or four weeks to heal. On 7 December Kent was given a six-month prison sentence, which was more lenient than the law stipulated for an injury taking more than 20 days to heal. The court also prosecuted Umesako and gave him a five-day sentence for biting Kent's leg. Kent appealed and on 29 January 1900 the Tokyo Appeal Court reduced his sentence to ten days. (Nagaoka, vol. 2, p. 307).

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

no playing people in Tokio except the great man [Raphael] von Koeber.

Yours very truly

Henry Bonar

P.S. I have just interviewed one of the B.S. a second officer on one of the N.Y.K. Boats who was arrested on Monday night & released yesterday. There must be something outrageously wrong about the whole matter. I have written officially to the Procurator for particulars of the arrest, & I shall take a declaration from the men concerned. It appears that Kent only acted in self defence & that the drunken Japanese Quartermaster is the one who ought by this time to be in jail. I shall bring the men's declarations with me tomorrow.

118. Bonar to Satow

32B Bluff

7pm

11 Oct 1899

My dear Sir Ernest,

The particulars given in tonight's 'Herald' are substantially as reported to me by one of the men who had been arrested. I understand that there will be no obstacle to Kent leaving Negishi Jail today ; he is probably out by now. I said to Efford that he ought to have reported the matter at once – especially when he had difficulty about getting his nephew out on bail, but he is not the sort of man whom you would expect to move or think quickly.

Yours very truly

Henry A.C. Bonatr

119. Bonar to Satow

Yokohama

13 October 1899

My dear Sir Ernest,

I have endeavoured to send you a preliminary official report tonight, but have up to this moment (5.30) not been able to do so. I have written to the Procurator and have stated my opinion that circumstances did not warrant that procedure ; I have also applied officially for a copy of the charge (which on my application this afternoon he refused on the ground that he could not communicate any of the documents at the present stage). Tomorrow I hope to send you full particulars of the case up to the present point.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Hodges is much pleased with his improved prospects [i.e. promotion to shipping clerk].

I will report on the Jail question.

I hope very much that you will get rid of your cold. I am afraid Baelz did not reach you very early, he was down here this forenoon.

Yours very truly,

Henry A.C. Bonar

P.S. My letter to the procurator is only a repetition of what I stated yesterday at my interview with the Judge with whom I have no direct communication officially.

120. Bonar to Whitehead

11.10 16 Oct. 1899

My dear Whitehead,

I was going to send the following by telephone, but consider it better not to, hence I beg you will excuse the brevity or bareness of the message. I hope it can be arranged all right.

H.A.C.B.

A case having occurred in which a Naval Court will probably be held & convened by the Senior Naval Officer in the course of today or tomorrow I desire to ascertain whether Hampden's appointment as Vice Consul can be acted upon so far as this Consulate & the Senior Naval Officer are concerned. After consultation with Judge Wilkinson I came to the conclusion that if a Naval Court were held the proper place to hold it would be on one of H.M. ships, so as to avoid the question of custody on shore ; or in port, if the Court were held at the Consulate. In either case it appears advisable that I should not be president of the Court either on board a ship or even at the Consulate. For that reason if possible I think if circumstances permit & as it is necessary for a Consular officer to be present it had better be Hampden. If the Japse. F.O. are aware of the appoint[men]t that fact wd. be sufficient for me not to hesitate in the matter of having H. appointed as one of the members. I referred the matter to Sir E. [Satow] last night, but he cd. only give me the answer that he had not received a reply. When telephoning this morning I had no idea that the desp. had only gone to the J.F.O. on Saturday, & all I wanted to know was whether a verbal intimation from the F.O. that they had cognizance of the fact could be obtained. I was not desiring that an unusual or unbecoming hurry shd. be apparent.

Yrs. in gt. haste

Henry A.C. Bonar

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

121. Whitehead to Bonar (undated draft)

Dft

Mr. Whitehead to Mr. Consul Bonar

Yokohama

Private

My dear Bonar,

The note to the Impl. F.O. asking for Hampden's recognition as Vice Consul was sent on Friday afternoon, I believe, but we have as yet received no reply. As the messages get a receipt, however, we may assume that the F.O. has cognizance of the appointment.

In the Chief's absence ²⁹ I do not feel justified in sending to enquire about it after two day's only – as even a simple enquiry would seem like hurrying them, and as this is the first time a recognition of this kind has been asked for they may not unnaturally wish to ~~look up precedents~~ consider the matter.

In my private opinion – Hampden's letter of authority having been signed by Sir Ernest he is Vice Consul from our point of view. Perhaps the Judge will be able to decide whether for the purposes of a Naval Court his recognition by the Japanese Government is necessary.

122. Whitehead to Bonar (draft)

Dft

Tokio

Oct 20/99

My dear Bonar,

I have just seen Viscount Aoki, who called me down to the F.O. to speak about a case which is coming on at Yokohama in which a Japanese woman is prosecuted for theft and in which you are to be called as a witness.

As this is the first time that H.M. Consul has been summoned in this way by a Japse. Court, H.E. is most anxious that everything should go smoothly, and he has asked me to express his hope that you will see no objection to accepting the invitation to give evidence. H.E. stated that the Consular Conventions with Germany & Belgium specially provide for the Consuls of those nations giving evidence before Japse. Courts.

Yrs ever

JBW

²⁹ Satow was at Lake Chuzenji, October 16-23rd.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

123. Bonar to Whitehead

Private

Yokohama

20 Oct 1899

My dear Whitehead,

I am much obliged to you for your note of today which refers no doubt to criminal proceedings – re my pocket book which was abstracted from my pocket while I was up country a short while ago. I can hardly see why the Judicial Auths. should want to take the woman out of the jurisdiction of the Court which has cognizance of the offence, and before which I would willingly give my evidence, if necessary, and if I am invited. But my experience is that Japse. Courts do not as a whole require evidence in a case which like the present is quite clear, and where the property is unmistakably identified.

It appears rather as if the Japse. are making a mountain out of a molehill if they send the accused to Yokohama to get my evidence, and I consider that it is a needless hardship on the accused to be brought all this way. If you have an opportunity may I beg you will inform Viscount Aoki that I am quite prepared, if it is necessary, to give evidence before the Court before which, I fancy, the case should be heard. The whole thing looks rather like an attempt to give publicity to a trifling incident. I cannot recollect a case of petty theft in Japan where after discovery of the offender and the identification of the property it has been necessary for the complainant to do any more than put in an application for the missing articles, which I have done.

Yours very truly,

Henry A.C. Bonar

Saturday 21/10/99

P.S. Since writing yesterday I have made further careful enquiry into the provisions of the Code of Criminal procedure & I understand that in proceedings of this sort on a complaint instituted by the Police, and not by me, it would seem quite unusual to call for evidence. Further that the law is that, except in certain cases which would not apply to mine, the witness would have to go to the Court which is dealing with the case. I shall be glad, if pending Sir Ernest's return, you have an opportunity of discovering why so much trouble is to be taken in this case. To me it appears quite incomprehensible. I am sorry to trouble you so much. H.A.C.B.

P.S. Is it possible that this is a case of which I have for the present no knowledge, or may I take it for granted it refers to the theft of my pocket book at Tsuchiura?

H.A.C.B.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

124. Bonar to Satow

Private

Yokohama

23 October 1899

My dear Sir Ernest,

If you approve of my sending Kircher [the second constable] to Nagasaki for the 1st proxo. he might leave by French mail on Thursday morning, * in which case perhaps it wd. be well for me to write to Longford to say that I am sending him down in accordance with your instructions.

I will write about a proposal for jail site very shortly.

Whitehead wrote to me a few days ago to say that my evidence would be required in a case “coming on at Yokohama” against a Japse. woman accused of theft. I have found out now that the Tsuchiura Yoshin hanji [magistrate 予審判事] wished certain particulars from me and that he had referred the matter to his colleague by way of official request. As it is more than likely that such a request would be dealt with by the Examining Judge here, Miyajima, who adopted such high-handed methods in the “Tamba” affair, I trust that I shall not be allowed to be placed in the position of being submitted to Mr. Miyajima’s interviews, tho’ all he would probably have to do would be to administer interrogatories. It is evidently desirable that one whom I have had a disagreeable discussion with should not be my interrogator. I was at Tsuchiura yesterday and have given all the information that I am able to in the case & I am prepared to go there again rather than having anything to do with the Local Court. I have made a settlement & handed it in to the Kenji [public prosecutor 検事] at Tsuchiura, who thinks that it is all that is necessary, so that the request to get evidence here will probably be withdrawn.

I have heard of another case in the Local Court which if it is true promises a bad time for anyone having business with it. I hope to hear from you – privately at all events – on the subject of the “Tamba Maru” case. One thing seems requisite and that is that Mr. M. be removed to a place where his indiscretions will be less noticeable. I think you will agree that a 5th class sōmin [?] with a salary of ¥1000 a year and no discretion is not a fit person to occupy a position vis-a-vis of foreigners which gives him practically unlimited powers over their person & speech. This may sound very violent of opinion, but from the expressions which I heard from the Prefect on the “Tamba Maru” case I judge there can be no defence of his action.

The C.P.R. steamer is not in, so nothing has occurred as yet. Hampden is to go on

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

board, give advice to the Captain & recommend him to order his Quartermaster to prevent the indiscriminate coming on board of followers of K.Y.W. or Japsee. politicians, but I have said that the Water Police must look after that – while on the water & so prevent their going on board. Perhaps I may be able to run up to Tokio tomorrow afternoon and give you further details.

I heard a story today that the Diet was to pass a Law making Perpetual Superficies & “Perpetual Lease” one & the same thing!

Yours very truly

Henry A.C. Bonar

P.S. Could you not come & lunch with me tomorrow.

* Would you kindly send me a telephone message to say whether this may be done.

125. Bonar to Satow

Yokohama

24 October 1899

Private

My dear Sir Ernest,

Referring to the “Tamba Maru” letter which I addressed to the Procurator I think the word ‘charge’ was probably understood as meaning “Koku-sō- jo”; from the Procurator’s reply I judge that, - as he understood perfectly well, - I was anxious to be informed as far as possible as to what had occurred, but by law he was not able to comply with my request.

Bayly [Captain of ‘Aurora’] finds himself unable to come up to dine, he intended calling on you yesterday, but heard you had not returned, and would have come this afternoon but he is kept busy with various papers.

The cypher telegram that was sent to you was carefully decyphered by Hampden & Holmes who both feel certain that the telegram in the shape it left this Consulate was correct. It appears that a very small cause affects the correctness of a figure transmitted over the wire, so that often a lower figure than the one intended is recorded at the other end.

I wish now to ask a favour of you which both from a personal and an official point of view I hope you will grant, and that is a month’s leave from some time early in November. While I can’t complain that my physical health at this moment is bad I think I want a complete change or rest from work, which I have hardly had this year for a lengthened time, as I did not like to let go hold of sundry matters while I was at Hakone.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

I have been feeling worried lately and it is evident that I am too irritable when a question of any consequence occurs. I am just completing my five years out here – I arrived with Gubbins in '94. Oct, and with the exception of 3 weeks in '95, two months in '97 and the short holidays I have had this year on 3 occasions I have not been away from my work. I should make my request for home leave if there was a chance of my getting it; further my wife does not wish to go before February. I hope I may be able to go on Forster's or Playfair's return next year. Before applying officially of course I desire to let you know first privately what my present request is, and I trust that you will not consider that it is [an] unreasonable one under the circumstances.

Yours very truly

Henry A.C. Bonar

P.S. The "Plover" has just arrived. Her Lieut Commr. Cooper [Cowper?] will probably call on you tomorrow.

126. Bonar to Satow

Yokohama

26 October 1899

Private

My dear Sir Ernest,

This morning the Prefect came and thanked me for the help I had given in arranging for the refugee to comply with the wishes of the Govt. as to his landing. It appears, however, that if he goes to Shanghai he will be in great danger.

I am afraid my method of expressing myself is not sufficiently clear. I did not mean my reasons or grounds to be taken into consideration so much as my bare request for a holiday. I believe you know that I am anxious to do my work well, and I trust have not given reason for anyone to think otherwise. I really would appreciate a holiday right away from Yokohama and would not ask except that I feel confident that having passed over the most critical period of the year it would not be considered that I was running away from my work. If a month is too long a period to ask for under the circumstances may I take the period from the 6th to the 23rd November.

I was aware that I had 41 days leave already, but I hoped that in consideration of only 3 months or thereabouts in the previous four years so strict an account would not have been kept.

I have had several requests for information made today as to House Tax which it is demanded shall be paid before end of October, and I understand that neither Germans nor French are likely to comply. I will ascertain this more fully. Meanwhile I shall be

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
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obliged by your giving me a hint as to the sort of advice I should give to B.S. For the ½ year the House Tax on Grand Hotel is over ¥200.

Yours very truly
Henry A.C. Bonar

127. Bonar to Satow

Private

Yokohama

30 October 1899

My dear Sir Ernest

James Walter has asked me to enquire of you whether you would be inclined to obtain an invitation to the Chrys. Party ³⁰ for a Miss Shore, an elderly lady, who has come to him with a letter of introduction. I have explained to him what I think is your method of dealing with requests of people of whom you know nothing, and who are not directly known to us, but the lady in question has asked Walter to get me to apply. I believe she is nice, but I know nothing of her.

Wylie told me this evening that at a meeting held this afternoon and called by a Frenchman it was stated that the French Consul had said that the applications for payment of house tax might be sent to him by those who received them, as there was no necessity to comply with them. He understood also that the telegram had arrived from Paris, but he is not certain. Further that the German Consul had advised one of the Firms or an individual that they or he should not pay housetax until compelled. All these statements sound strange to me after your communication to me of Saturday morning.

It appears that the applications for housetax have not been generally distributed.

Yours very truly
Henry A.C. Bonar

128. Hampden to Satow

British Consulate

Yokohama

Nov. 13. 1899.

Dear Sir Ernest,

The Legation messenger has just brought your letter to Bonar, marked private. I have forwarded it sealed and unopened to him at Numadzu.

³⁰ The Imperial Garden Party was held on November 9th. (Satow diary, Ruxton, 2003)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

The trial of Kent of the "Tamba maru" comes on tomorrow morning in the Yokohama District Court. I shall myself be present to watch the case in the morning, and in the afternoon, by Bonar's advice, shall send the office-writer to follow, and keep me informed of, the proceedings.

Yours truly

E.M. Hobart-Hampden

129. Hampden to Satow

British Consulate

Yokohama

Nov. 14. 1899.

Dear Sir Ernest,

I was present at the Yokohama District Court for 2½ hours this morning when the trial of Kent opened. He and Hill (the latter examined as a referee, sankōnin, under Art. 124, vi of the Code of Criminal Procedure) gave evidence; the examination was very careful and dispassionate, and the interpreting was as good as it can be expected to be. This afternoon the office-writer attends; this morning the foreign journalists were given good places, I noticed.

I ought to mention, for your information, that I was not given a seat on the Bench, but at a separate table in the body of the Court close to the Bench.

As on all the numerous occasions when I was present in the Kobe District Court, & in the Osaka District & Appeal Courts I was given a seat on the Bench behind the Judges, & as I know that Wileman was so accommodated at a Tokio Court, I thought it right this afternoon to cause a polite enquiry to be made at the Yokohama District Court as to whether the usual position on the Bench might not be placed at my disposal. The message was brought back that the practice in Yokohama has not been to give Consular officers a seat on the Bench; that [U.S. Consul-General George] Scidmore in the Miller trial ³¹ was seated in the body of the Court. There may be some truth in the statement that it is not the usual practice in Yokohama, as I am told Layard was so treated & was angry about it; but Scidmore in the Miller trial only appeared as a witness not to watch the case. Lay would know about the general practice as he watched the Barry [sic. William Barrie?] case as the Acting Consul. ³²

You know what little personal interest I take in such matters but I thought I ought to report to you. Yours truly, E.M. Hobart-Hampden

³¹ See footnote to Letter no. 80 above.

³² See Letter no. 69, Hall to Satow (September 22, 1896) in PRO 30/33 6/1 above.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

130. Hampden to Satow

British Consulate

Yokohama

November 24. 1899.

Dear Sir Ernest,

The letter from Mr. Walford of which I send you a copy only reached me this afternoon at 3.30 p.m.

I have not seen the Judge of the Court and would not propose to see him unless you wish it, as it seems to me improper to discuss locally a question which is now in your hands.

Yours truly,

E.M. Hobart-Hampden

131. Bonar to Satow

Satow's note at top of letter: [Ansd. 28/11. Cannot tell him. Suggest estimating value of house, and offering to deposit, or undertake to pay transfer duty on the house, if final decision is agst. the contention of the land-owner. Also that leases might be converted into free holds, provided the same sureties were guaranteed to the lessees.]

27 November 1899

Private

My dear Sir Ernest,

I was very glad to see that the matter of the registration of perpetual leases is so satisfactorily arranged, although the Prefect has not yet been made aware of the arrangements contemplated. He asked me whether the 2½% tax was to be leviable on the buildings, even if remitted on a transfer of land. I shall be much obliged if you can give me more particulars on that point as naturally it will be the first question asked by interested British subjects. If possible, I should also like to be informed whether henceforth perpetual leases are to be held to apply to the land only, or whether they will be held to include buildings also.

E. Rogers, another large property holder wants to agitate in the matter of transfers, but I have told him that he had better wait a little as we hoped the question would soon be settled satisfactorily.

In reply to an enquiry from the Prefect I said I could give him no information on the question of the House Tax as I was not in possession of any on the subject.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

While I cannot say that I have enjoyed my holiday, I am glad to say I have come back in very good trim; the cold I thought was quite unusual for the East coast, south of Sendai where I spent a week.

Yours very truly

Henry A.C. Bonar

132. Bonar to Satow

29 Novr. 1899

My dear Sir Ernest,

The enclosed is on the subject of our conversation respecting land. If you think you can in any manner adopt the view I urge on the subject of 'superficies' I am sure B.S.S. [British Subjects] will have reason to be thankful for any efforts you can make in that direction. I will see Asada tomorrow morning. He is sure to let me know at once.

Yours very truly

Henry A.C. Bonar

133. Bonar to Satow

Yokohama

29 November 1899

a.m.

Private

My dear Sir Ernest,

I am very glad to have had an opportunity of talking over these various matters, and want now to emphasize – if you will permit me – two or three points which perhaps I did not put clearly enough.

I understand from you that at the moment nothing can be done except to submit for the decision of the Law Officers the points as to (1) the extent of the rights which B.S.S. claim are theirs under the New Treaties in respect of property, and (2) the meaning as to the word 'Property'; and that therefore you are not in a position to approach the Japanese Government with any suggestion for a compromise such as I have made which would for the present – i.e. until new Japanese Legislation or Imperial Ordinance sufficiently provide for the case – enable B.S.S. to have their full rights in lands and buildings registered as heretofore, without suffering any prejudice by being registered ultimately under titles which exist under the Japanese Civil Code, but which do not adequately represent the 'perpetual leases'. In view, however, of the assurance of the Prefect to avoid any question as to lands & buildings being treated separately, kindly let

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

me know if you have any objection to my doing all that is possible for that purpose, locally. If only the land is to be registered then property-owners will not be in a better position than when the difficulty first arose, and for all concerned this prolonged uncertainty – unavoidable as it appears to be – is most unsatisfactory.

You were good enough to allow me to see Wilkinson's draft this morning, in which reference is made to Walford's claim as to the meaning the word 'property' should have. If it is not too late may I again beg of you to draw attention – in that same despatch – to the point which I make in my desp. No. 38 (wh. I read to you this morning), as to the custom prevailing here (& I suppose at other ports) of almost invariably treating land & buildings as one property. It seems only fair that on the Law Officers having a matter of this sort referred to them they should particularly be made aware of the custom which has prevailed in respect of it for many years past, a custom which the Japanese Government as the owners of the land and lessors have always recognized and never objected to. I feel sure the question of Custom will not be overlooked by them (Law Officers) and the fact that three Countries at least (Gt. Britain, America & Germany) have observed similar practices would make it appear desirable that because the provisions of recent legislation are insufficient, the vested interests of B.S.S. should not suffer, or rather should not be prejudiced by new methods. While the observance of this method of dealing with land & buildings cannot be perpetuated, sufficient notice might be given that henceforth buildings owned by persons not perpetual lessees shall be registered separately & subject to the 2½% tax. Instead of making the Code with its present insufficient provisions apply to perpetual lease, the proper course would appear to be new legislation which will not cause a deterioration of the rights hitherto acquired – such a deterioration as, for instance, as the registration of a perpetual superficies in the Land registers. While the method of registering or reporting transfers at the Kencho is to be re-established I submit one cannot ignore the legal value which the Registering Courts will give to the Perpetual leases if these are classed as "superficies." A court dealing with matters must naturally give recognition to the 'legal denomination' given to any right registered in its books; and the obvious disadvantages of a superficies – for example forfeiture on account of bankruptcy as provided by Art. 276 of the civil code – should not, I submit, be given the remotest chance in the matter of the perpetual leases.

Some time ago you expressed to me unreservedly your opinion that in no manner whatsoever could a "superficies" (perpetual) be considered the equivalent of a perpetual lease, though the latter might comprise the former; and I hope, therefore, that notwithstanding the arrangements now made for the transfer formalities at the Kencho, there will be no question of denominating – even for the sake of convenience –

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

perpetual leaseholds as 'superficies'. The difficulty of the ultimate registration at the Courts can be met by a complete transcription of the title-deed which, in any case that may subsequently occur, should be the evidence of whatever rights are conveyed by it, whether they be less or greater than superfiiciary rights.

The hesitation the Japse. Govt. feels in issuing a new Imperial ordinance on the subject now, may – I venture to suggest – be a good opportunity for getting them to adopt a system which if not in conformity with the Civil Code, is not – so far as I can see – in opposition to it.

I feel I should thank you for allowing me every opportunity to place my view before you – in ten or twenty years' time only will it be possible to judge the importance of the matters that you have now placed before the Japanese Government & the Foreign Office.

Yours very truly

Henry A.C. Bonar

134. Bonar to Satow

30 Nov. 1899

4 p.m.

Private

My dear Sir Ernest,

As I shall see you tomorrow morning I will say nothing further than that up to this moment the Saibansho do not appear to have received any instructions. This is very curious. Moreover the instructions to the Prefect are of the very shortest. In one way that is an advantage as he will not be hampered.

The Confidential Print I will return to you tomorrow. I feel satisfied that there is nothing more to be done at present.

Yours very truly

Henry A.C. Bonar

P.S. I observe this sheet is soiled, it is not thro' my fault.

If you will stay & have luncheon with us we shall be particularly pleased.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

135. Bonar to Satow

Yokohama

4 December 1899

Private

My dear Sir Ernest,

It is possible that I may come to see you tomorrow (Tuesday) to ask you on behalf of the interested to get the Japanese Govt. to accord Insurance Companies a delay – perhaps of two months at the outside – to enable them to send in their Articles of Association in Japanese. [W.W.] Till [of Cornes & Co.] has (accompanied by Woolley who acts for Marine Insurance Agency [?]) seen me on the subject and as there is not much time left before the 15th Decr. I promised I would at once – on receipt of their representation – go to see you.

I hope you have had a pleasant holiday.

Yrs. very truly

Henry A.C. Bonar

P.S. If I come tomorrow at what time am I most likely to find you? Could you kindly let me know by telephone? ³³

136. Bonar to Satow

Yokohama

6 Decr. 1899

Private

My dear Sir Ernest,

On my return yesterday I told Till what you recommended & repeated it to him this morning. The other Insurance Cies. however insist that the letter shall be sent in (the letter of which I showed you the draft) – Till having meanwhile informed me that their previous application has been refused – (I enclose copy of correspondence).

³³ Satow's diary entry for December 5, 1900 reads in part: "Bonar came to lunch to show a draft letter being circulated among agents of Insurance Cos. in Yokohama, asking me to procure 3 months delay for them to register, 15 December being the date by which the law requires them to do this. They say it was only by 18 September that they were able to find out from the Ministry of Agriculture & Commerce what was required of them, and they have not had time to get the translations made. I told him I could not undertake to become their intermediary in this matter, and suggested they should without waiting any longer, send in the English documents, with an explanation of their difficulty about translations, promise these as soon as they could be prepared, and ask that in the meantime they might be registered." (Ruxton, 2003, p. 411)

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

While I cannot refuse to accede to their request as to seeking your assistance, I propose first to interview the Judge of the Local Court who has charge of Commercial Registration and see whether he will take the matter into consideration. That course Till & others approve of.

Yours very truly

Henry A.C. Bonar

137. Bonar to Satow

6 December 1899

Private

My dear Sir Ernest,

I write separately on the following matter: letter from Walford received yesterday, and to which I propose to answer as by draft which I enclose for your perusal. As I have no official communication (excepting the one as to the arrangements re registration at Prefecture which I am hardly in a position yet to communicate officially) as to various points raised in my despp. 36 & 38 I have endeavored to cover the ground of my reply as best I could; but with reference to your attitude in the matter do you approve of what I say. It is awkward for me not to have had some official intimation that you approved (or the reverse) of the views which I put forward in my first letter on the subject of Consular registers, for then I should have been in a position to reply categorically to Walford on the points he raises. Of course privately I know what you have written to the F.O. and to Visct. Aoki but I cannot give an official assurance of your views as I know you to have expressed them. If you care for me to come up to discuss any point of the reply which I intend to give, I can come up tomorrow during the day, but I don't wish to worry you any more on the subject.

Yours very truly

Henry A.C. Bonar

138. Bonar to Satow [stamped p. 324 in original file]

7 December 1899

My dear Sir Ernest,

By an oversight I omitted to enclose Walford's letter of the 5th which I now enclose. I shall probably have a line from you this afternoon.

Yours very truly

Henry A.C. Bonar

P.S. The messenger whom I am sending is also going on another errand so I have told

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

[him] not to wait at the Legation, he should be there at a few minutes past noon.

139. Bonar to Satow

[Ans. 8 Dec.]

Private

7 Dec. 1899

My dear Sir Ernest,

My conversation with Judge Kuwada who was most friendly, shows that the local Court is not likely to be in any way affected by the advice the Judges may have been given on the subject of perpetual leases.

In the matter of registration of Insurance Companies he means to use discretion as to delay that may have occurred through no fault of the applicants. But so far as the "permission to carry on business" which has to be obtained from the Depart. Of Agriculture and Commerce I understood at the Saibansho that they were not likely to grant any delay as to the sending in of documents, though they might be satisfied for the present with an abstract in Japanese of the 'articles of association.' Kuwada suggested that an application made to the Foreign Minister for a delay would be favorably dealt with by the Cabinet – on the ground of urgency. I only mention this by the way. I am holding over the Insurance people's letters until tomorrow. I have carefully given them to understand what your views are & what Mutsuhashi has said.

Walford's letter. He is not able to send me the application as it is in the Court to form the basis of an appeal against the decision, and he has no copy.

I am astounded at the verdict in the Kent case. It has come like a shock, for I made certain he would be acquitted.

Would you kindly return Walford's letter after (if such is possible) a copy has been made to serve as enclosure to my desp. No. 65.

I beg you will do all you can to come down tomorrow evening. I have arranged a nice little party & the three ladies I have asked to come & who are such good musicians will be very much disappointed if you do not come. A change of air might do your throat good.

Yours very truly

Henry A.C. Bonar

140. Bonar to Satow

Private

8 December 1899

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

My dear Sir Ernest,

Walford is sending for a copy of his application in which he tells me that “ei-shaku Ken” is applied for. He would be glad to hear what chances there are of matters being satisfactorily settled, but regrets that being extremely busy he cannot run up to Tokio to see you. I suggest therefore that you and he should meet at luncheon at my house on Tuesday next, when I hope you will have got rid of your cold. I regret for several reasons your inability to come this evening as I wished to mention one or two things which however will keep until next week. I am spending tomorrow night in the Country, and shall not be here in the afternoon, unless I hear in the morning that you wish to communicate anything to me.

I have got the Prefect to work the Noshomusho [Ministry of Agriculture and Commerce] as to Insurance Companies once more. His application made on the 2nd on behalf of Akiyama was a decided ‘no’, but he thinks a ‘zatto’ translation will enable permission to continue business to be received. I have told Till & others that I thought there would be no difficulty. It appears that the original articles of association are not necessary – I never thought they were, and the Noshomusho would not know what to do with them. – so I understand from the Prefect.

Yours very truly

Henry A.C. Bonar

141. Bonar to Satow

Yokohama

12 December 1899

Private and Confidential

My dear Sir Ernest,

I am very glad to have been able to learn what you wrote to Viscount Aoki, but feel sorry that circumstances require that I should not be in a position to give Walford the information which, on behalf of other British subjects, he has sought to obtain in his official letters. The result is that a feeling of disappointment has been created in the British community at the inability of British subjects to get official information through me on the land and other questions. [Pencil note by Satow: “I can only authorize communications as to arrangements actually made. As to negotiations in progress of course it would be improper to say anything, and my views on these questions are subject to changes.”]

By now Walford knows what the arrangements at the Kencho are concerning which I reported officially today, and I am afraid that these will not help him or others out of the

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difficulty in which they have been placed by the existence of legislation which deprives long acquired rights of any practical value. Had the arrangements corresponded to those indicated in your despatch No. 49, the position would have been different, though it would still lack the official recognition of the Japse. Government which should – if I am not mistaken – be given by Imperial Ordinance.

The President of the Chiho saibansho [regional court] through Hampden has informed me verbally that excepting that the 2½% tax would not be levied in respect of transfers of land the property of the Japanese Government, in other respects there could be no change in the procedure of registering rights acquired in immovables under perpetual leases.

From your note to me of yesterday I judge that in your opinion the view taken by the Court – so long as the Prefect registers transfers – is of no consequence. In my opinion, however, the attitude of the Court is most essential, since the Court is an authority constituted by the Law to take cognizance and register the rights of foreigners against third parties i.e. rights that have no practical value unless they are registered; whereas the Kencho is not an authority which – up to the present at all events – can give any legal value to the transfers; if I may repeat here my opinion already expressed officially to you in my despatch No. 38 it is that “While it would not be unreasonable to claim that a continuance of this mode of transfer (Kencho transfers) is quite in accordance with the clause of the Treaty already quoted, yet presumably the Laws of Japan cannot now require a Prefect to do acts which it has been decreed shall be done by Judicial Officers.” So that until there is new legislation I do not myself see how the arrangements at the Kencho can improve the position.

I know, of course, - and therefore regret all the more that I cannot make use of my knowledge to assure the British community – that the manner in which you have placed the whole matter before the Japse. Government cannot leave the latter in the least doubt as to your views. But the indecision of the Japse. Government, or unwillingness or inability to carry into effect the promises they have made on at least two occasions in reference to the matter of registration of transfers (1) in respect of stamps (2) in respect of the arrangements which were to have come into force from the 25th [29th?] Nov. are undoubtedly the cause of the restlessness and doubt which I am daily made aware of in the Community.

If in writing all this I appear needlessly to go over old ground or to write unbecomingly of the attitude of the Japanese Government then my excuse must be that my endeavor has hitherto been to prevent a false impression being formed by the Br. Community as to the action you have taken on their behalf, and the interest you have

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had in their affairs. Further, for my own part I should be sorry to think that they had come to the conclusion that I have not your confidence, or that they had better not refuse any in me as their mouthpiece.

Yours very truly
Henry A.C. Bonar

[Satow's response – see next page for original.]

142. Satow to Bonar [draft]

14.12.99

My dear Bonar,

I do not quite know what is the meaning of the words in your letter dated the 12th “ a feeling of disapmt. has been created in the British community at the inability of B. Ss. to get official information thro' me on the land & other questions.”

They can & always will be able to get official information thro' you on matters respecting wch. I have been able to settle anything with the Japse. Govt. but they cannot expect it in the case of points still under discussion.

What are the “other questions”? I am quite alive to the necessity of an ordinance & that without it the Court cannot depart fr[om] its attitude. The arrangement wch. has been communicated to me only verbally by the Min. For F.A. I look on as a temporary expedient, & therefore think the view of the Court is for the moment unimportant.

If the British Community shld. have come to the conclusion that you have not my confidence or that they had better not repose any in you as their mouthpiece, they have drawn an entirely wrong inference. But that you or they should suppose that you are the exclusive channel of communication betw. me & them is what I cannot admit for a moment, & whenever it seems to me desirable to see a B.S. myself on a matter wch. concerns him, I shall always offer him the opportunity if he chooses to avail himself of it.

y.v.t.
E.S.

My dear Bowen. 14. 12. 99

I do not quite know what is the meaning of the words in your letter dated the 12th "a feeling of disappointment has been created in the British community at the inability of B. S. to get official information thru me on the land & other questions."

They can & always will be able to get official information thru you on matters respecting any thing with the Japan. Govt but they cannot expect it in the course of point still under discussion.

What are the "other questions" I am quite alive to the necessity of an ordinance that without it the Court cannot depart for its attitude. The arrangement which has been communicated to me only verbally by the Genl for P. A. I look on as a temporary expedient, & therefore think the

view of the Court is for the moment unimportant. 335

If the British Community shd. have come to the conclusion that you have not my confidence or that they had better not repose any in you as their mouthpieces, they have drawn an entirely wrong inference. But that you or they should suppose that you are the exclusive channel of communication betw. me & them is what I cannot admit for a moment, & whenever it seems to me desirable to see a B. S. myself on a matter wch. concerns him, I shall always offer him the opportunity: if he chooses to avail himself of it. Y. v. t.

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143. Bonar to Satow

Yokohama

14 December 1899

Private

My dear Sir Ernest,

The words you refer to and used by me mean simply that Walford having addressed me several official letters on behalf of Brit. subjects he represents is disappointed that he cannot get an official reply from me which will satisfy him that the views he has advanced – and for that matter those he knows I have advanced – have received your support. As I said, I happen to know what your views are, but I have officially not been able to relate them, and probably “my assurances” which Walford refers to in his last letter have ceased to have any effect. The “other questions” are the various points which arise in connection with the land question by which I mean the confirmation of perpetual leases; they would be the Registration Tax (on land & buildings) & the House Tax, and the method of calculating the latter supposing House Tax has to be paid.

I did not for a moment suggest that I should be the exclusive channel of communication, I referred only to those matters on which I had been addressed officially and in respect of which I supposed – if an official communication could be made, you would send it through me.

The last thing I intended to do in my note was to cause any irritation. It was on the contrary to avoid any misapprehension on the part of any one.

Yours very truly

Henry A.C. Bonar

P.S. I am sorry to hear that you are still suffering from a sore throat.

144. Bonar to Satow

Yokohama

14 December 1899

5.40 p.m.

My dear Sir Ernest,

With reference to my desp. No. 73 of today I want to say that I received it after I had written you my private note this afternoon, as the opening paragraph of the letter is curiously like what I have been trying to express.

As to the desp. on the subject of Strachan & Co's duty on Cotton Italians, it was only yesterday that Till informed me that they had obtained repayment of the duty, so that there was no point in forwarding S & Co's letter of the 3rd Oct. until I had been made

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aware of the fact.

We have been unusually busy, and all these days I have not been able to leave the office until late. I have received numerous enquiries on the subject of the House Tax, & today by sending two Grand Hotel Directors to the Mayor to interview him personally I learn that tho' they are sending out demands for payment they will not resort to the last remedy (attachment of Judget.) without due notice.

Yours very truly

Henry A.C. Bonar

P.S. My report on the Kent case I will send up as soon as possible.

145. Bonar to Satow

Yokohama

19 Decr. 1899

My dear Sir Ernest,

I am much obliged to you for drawing my attention to a point in the 'Kent' despatch which I had thought of enlarging upon, but which on account of the whole tone of the judgment did not at first seem to deserve more than a general allusion. That, and my remark as to the Articles of the Code of Criminal procedure which I am delaying till tomorrow I beg you will be kind enough to have inserted in the despatch, or if preferable the sheets can be re-written here. I trust in other respects my despatch meets the requirements of the case and is not immoderate in tone.

Yours very truly

Henry A.C. Bonar

P.S. Do you happen to have heard as to the probable date of [Ernest A.] Griffiths' arrival here?

Confidential

I have today had an opportunity of discussing the land registration question with the President of the District Court Watanabe, & he has today had the opportunity of meeting several interested property-owners. He sympathizes with them fully and has several times reported to the Shihō-shō as to the difficulties which he is aware property-owners have in raising money on their property. He also cannot imagine that any, but political reasons, are retarding the issue of new legislation. This of course was a remark made confidentially. There should not have been he thinks the slightest difficulty in having the matter put straight soon after Imp. Ord. 329 was proclaimed. Speaking apart from his official capacity he cannot see the object of registering a transfer at the Kencho. H.A.C.B.

146. Bonar to Satow

21 December 1899

My dear Sir Ernest

No date is fixed for the appeal in the Kent case. I have communicated officially with Akiyama about seeing you. As to the translation of Art. 314 I had asked Hampden to give me one & I don't know whether he took it from any translation of the Penal Code, as we have none here. I see it can be translated differently. At the time we had do much to do that I took Hampden's translation without question, and as he use the translation of the 301st Art. from that which is probably the Gazette's & which had been borrowed from somewhere it may be Art 314 was taken from the same source. Could it not be rectified in the Desp.?

With regard to land registers I understand the French Consul has refused to give any copies of his – tho' the German Consul Genl. has furnished copies & the leases appear to have been registered as 'superficies' – tho' without the consent of the Consul.

Today night the German Consul Coates is giving a dinner to Judges, & my services have been enlisted in order to bring them to more proper views regarding these questions. I think tho' that the Judges' attitude at present cannot be blamed.

Yours very truly

Henry A.C. Bonar

147. Bonar to Satow

Yokohama

26 Dec. 1899

Private

My dear Sir Ernest

I have not until this afternoon had an opportunity of communicating to Walford your despatch. He wishes me to send him a copy officially so that he [can] inform his clients accordingly. I would suggest that you let me do that, as that is all that is required to reassure people – if they needed any reassurance.

Is it too late to approach the Japse. Government with proposals which I can't help thinking would – if accepted – help matters very much. Walford informs me privately that people might be induced to accept the registration of buildings, so long as transfers of land were officially declared to be free; and if house-tax were modified somewhat I think there would be no difficulty. I think the Local Authorities would at all events help in the matter. If it does not weary you I might come and discuss this with you tomorrow

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or the next day, also Consular Registers, a subject on which the Judge tells me [he] has made some suggestions, and on which I also had begun writing to you privately. I think I would rather say what my view is than write it.

Yours very truly
Henry A.C. Bonar

148. Bonar to Satow

Yokohama

28 December 1899

Private

My dear Sir Ernest

I'm glad we shall see you at lunch at one o'clock tomorrow.

I was indeed surprised to see the amended ordinance this morning. It does not solve the difficulty of the "superficies", and has no reference to mortgages; we will see, however, to what extent it has remedied the former situation.

Probably you will think with me, after a perusal of the International Committee's latest circular, that they want to convey the meaning that it is entirely owing to that Committee's efforts that the present ordinance has been issued! How strange nevertheless that Visct. Aoki should have given them information on the subject first. There is some impudence about Mr. [H.J.] Holm.

Yours very truly
Henry A.C. Bonar

P.S. I enclose the circular as it is lying in the Messenger's box with no address, only a message that it was for the Minister. A receipt had been given for it.

149. Bonar to Satow

Later

My dear Sir Ernest

I am sorry I cannot report yet on the Umeseko [sic. Umesako, see letter no. 117 above] proceedings in the Ku-saibansho. I have not been able yet to get a complete report of the proceedings, nor a copy of the judgment. Doubtless in this case also the judgment must be carefully gone into, unless you think it sufficient that only an allusion to the proceedings be made. In any case it cannot be ready for this mail.

I hear Griffiths arrives on Monday by the "Doric". She is due in the afternoon. If Adml. Fitzgerald is to be your guest I will send someone to meet him. I did not propose to be here on New Year's day, but I will see that the Admiral is met. We can talk of this

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tomorrow.

Yours very truly
Henry A.C. Bonar

150. Bonar to Satow

Yokohama

30 December 1899

Private

My dear Sir Ernest,

Perhaps you will not approve of the way in which I have treated what is to be an inclosure in a despatch. I can have another copy made when you return me the enclosed on which – without intending to improve or correct the translation – I have made notes in red ink which may possibly indicate the sense of the ordinance.

If the word transfer means ‘devolution’ – in fact everything except mortgage then the expression I have used “the passing to another” is needless. I hardly think the characters ‘todoki-ide’ can mean a mortgage ; in my opinion it can only refer to a minor matter which is not a right in the immovable – it might mean the subdivision of a lot, alteration in the no. of Tsubo, death of one of two parties who appear jointly hold a perpetual lease, a servitted[?] &c. ; but not a new right having reference to the land. I may be wrong, I probably am, but the Imp. ord. seems to me to indicate that mortgages must be registered direct at the Court, so also leases ; and for that purpose it provides that when “application is made for the registration (wh. of course can only take place at this Court) of a right – to be grafted[?] on a right of superficies then the Court, if the superficies is not registered shall of its own motion register the superficies direct (i.e. without it coming thro’ the Kencho in the shape of an endorsement on the title deed). It is impossible to say how much the Imp. ordinance means, and I shall be surprised if the Local Judicial Auths. give it a wider interpretation than the actual words indicate.

I also enclose Hampden’s translation for your perusal. I confess I think the paragraph & one or two expressions which I suggest shd. be adopted will be more readily understood.

In any case please look upon my suggestions rather as explanations than alterations.

I understand that Lowder, Litchfield & Walford are of the same opinion that the introduction or rather the retention of the word superficies should not be admitted. If I do not see you at the New Year, please accept now my best wishes.

Yours very truly,
Henry A.C. Bonar

151. Bonar to Satow

2 January 1900

My dear Sir Ernest,

Griffiths has arrived and reported himself to me. I was going to make that report to you officially, but have thought that if I could in the first place receive from you an official despatch saying in what capacity he is to be attached and what rent allowance is to be paid to him it would avoid my asking for instructions. I suppose that being a first assistant he will draw a £100 a year allowance. A despatch seems all the more necessary to avoid F.O. queries on the accounts.

Perhaps you will come down tomorrow and I shall be able to learn what you think of my suggestions in respect of the amended Imperial Ordinance 329. So far as I can make out neither Walford or Lowder have any doubt as to the restricted (intentional) meaning of the amendments as excluding mortgages &c.

Yours very truly

Henry A.C. Bonar

152. Bonar to Satow

Yokohama

9 January 1900

Private

My dear Sir Ernest,

My object in addressing you today officially on the subject of the Ordinances is in reality to excuse my non-compliance with the instructions of your Circ. No. 29 of 26 July '99 because I thought alterations were probable (and I hope we have not quite come to the end of them), and to know whether I shall take any measures for notifying the amendments, as the despatch of yesterday does not refer to the earlier circular.

Whereas in Ord. 329 rights acquired by foreigners before the New Treaties from the object of the original Art. 1. the amended Art. 1. gives prominence to transfers, & relegates other former provisions to a second place. On the other hand I have understood from you that you do not desire to express yourself officially on the subject, and probably instructions to notify the amended Ordinance would in a measure indicate to Br. subjects that you considered them sufficient; so that perhaps it is not desirable that I should show any activity in the matter, more particularly as I delayed purposely notifying Imp. Ord. 329.

No doubt you have observed amongst other points in Not. 41 of the Judicial Depart.

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of 10 July 1899 that in Art. X mention is made of “rights of superficies or rights of lease which were established with the intention of their continuance in perpetuity for foreigners i.a.” It is remarkable that the Judicial Depart. should have included the term lease, “chintaishaku” whereas in the ordinances no allusion is made to that right which I suppose differs in nature from superficies. If the Notification 41 & the ordinances were more in accord on that (& perhaps other) point it would have been better & probably more satisfactory.

I am not raising any argument on that point, in fact hesitate to say anything more on the subject of superficies. I only came across the expression again today & therefore refer to it in case it could help those who preferred rights of lease.

Yours very truly

Henry A.C. Bonar

P.S. As No. 2 desp. of yesterday’s date refers to the one of the 22nd Dec. by which I am able to give Walford certain information, is it intended that I should communicate in any manner to him the contents of your desp. No. 2? HACB

153. Bonar to Satow

Yokohama

18 Jan. 1900

Private

My dear Sir Ernest

I saw the Governor this morning and explained to him I could do nothing about the meeting. He says he will look into the matter of registration of mortgages at the Kencho, tho’ the law as it stands will hardly admit of such an arrangement. He thinks it would be a good arrangement. At any rate so far as he is able to, it will be a good thing if he takes an active interest in these questions.

Wylie told me today that ‘good news’ respecting taxation had been received from the French Government, and that it would doubtless be confirmed by next mail. It remains to be seen what this good news is.

Late this afternoon I received your despatch about the ordinance re – superficies – perpetual lease. Now the landrenters are going to have their meeting – (I fancy the resolutions are all drafted and in order) we shall see what their views are.

R. Kirby this afternoon told me a strange story how, at some party, he overheard a man whom he discovered to be a high official of the F.O. saying to another, that tho’ the present Treaty confirmed the perp. leases, after 12 years they would be able to do as they pleased about them! Can it be that some officials think that way.

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Yours very truly
Henry A.C. Bonar

154. Bonar to Satow

YOKOHAMA UNITED CLUB

No. 5 BUND

8.30 p.m.

18th Jan. 1900

My dear Sir Ernest,

I have just received your despatch and note respecting Viscount Aoki's declaration respecting superficialities. I was on the point of asking that very authorization this evening when writing to you about the meeting, but abstained as I thought I should hear from you on the matter if you considered it necessary.

I hope you will think that under the circumstances I did the right thing in reporting to you 'confidentially' the matter of the Prefect's verbal communications on the subject of the meeting. It is a pity that Visct. Aoki delayed so long in giving his assurance.

I shall not fail to conform to your instructions about the manner of making the announcement to British subjects.

Yours very truly
Henry A.C. Bonar

P.S. I think that the announcement will have to be very carefully made for undoubtedly it will appear strange that it should be made immediately before, or exactly at the time of the Public Meeting. People – Walter & Wylie will naturally connect it with the Prefect's attitude, tho' doubtless Asada does not know of Aoki's declaration.

155. Bonar to Satow

Yokohama

19 Jan 1900

Private

My dear Sir Ernest,

Maruyama, the writer, wishes to send you the enclosed letter of thanks which he has addressed to you.

Many thanks for letting me know about Longford. Would you mind my deferring making any official application for leave for a couple of days or so, as on discussing Court matters with the Judge this morning we agreed that one of us had better be the last to wind up the affairs, so that if there is a chance of winding them up before the end of

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April I should not need to remain until he returned if he goes on leave and there would be no need to have an Act. Judge in the interval. Naturally I should like to get home as early as possible. Perhaps you will appreciate what I mean better when I say it wd. be a pity for the affairs of the Court at the last stage to be transferred 3 or 4 times to different hands. Apart from that I should like to go early in May. Wilkinson tells me you will no doubt hear shortly about him.

Yours very truly
Henry A.C. Bonar

156. Bonar to Satow (p.364 in original file)

20 January 1899

My dear Sir Ernest,

I did what I could in the way of making Visct. Aoki's note public. I made a point of asking Wylie before the meeting to have it read, and he promised it should be so; Walford further tells me that it was handed to as many persons as possible. Apparently no one would take the responsibility of reading it at the meeting.

Walford said that if the letter had reached him two days earlier no doubt it would have become public property, but he was not a party so I understand to the meeting.

Yours truly
Henry A.C. Bonar

157. Bonar to Satow

Yokohama

22 Jan 1900

My dear Sir Ernest,

Walford has given me two copies of the printed papers showing what he has done in the matter for his clients. May I send you one; which he would like you to have if you care for it.

Yours very truly
Henry A.C. Bonar

158. Bonar to Satow

Yokohama

22 January 1900

My dear Sir Ernest,

With reference to your private note of Saturday the 20th in which you say that you

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

are very vexed that Viscount Aoki's note was not read to the meeting (on Friday) and that you would like to know how that came about, I have already stated that I have done all that I could do to carry out your wishes, and desire now to write further particulars.

In my despatch of Friday last I stated in the last sentence that I had been given to understand that the information would most probably be communicated more generally at the meeting of the Land Renters which was to take place in the afternoon, and the reason of my making this statement is clear from what follows. The despatch in which you communicated to me Visct. Aoki's note reached me about 4 p.m. on Thursday; I left the Consulate at 7.15 having been there since 10 in the morning, leaving it only to interview the Prefect in the morning –, and not anticipating anything further on the subject. Your despatch No. 9 reached me about 8.30 p.m., and I could do nothing at that hour. Friday morning I could think of nothing more expeditious than to ask Walford to come and see me so that I could verbally arrange with him about the publicity to be given to the enclosure in the last despatch. Walford sent word to say he was busy. I then wrote to him officially in the forenoon and sent the despatch and enclosure by Holmes. He received them about noon. As to the reply he made to Holmes on the spur of the moment it seems hardly necessary to refer to it. But I gathered from it that he would not bother about the expression of Visct. Aoki's assurance on the subject of superficialities; so I made a point of seeing Wylie and told him that Walford had this declaration of Visct. Aoki's, and I later saw Walford hand Wylie the despatch and its enclosures and I heard him say words to the effect "Bonar is very anxious you should have this at once." Wylie said a few minutes later that he was too busy to read the document, but on my urging him to have its contents made public he said he would do what he could. Having received this assurance from Wylie I felt that I had done all I could to give effect to your wishes in communicating Visct. Aoki's note to Walford, whom you expressly mentioned, and seeing his attitude I made sure it would receive the necessary publicity by arrangement with Wylie. It was impossible, and I consider it undesirable for me to do more. In view of recent events I thought I could not refer to other British subjects, having already approached two of the leading land renters in consequence of the Prefect's request; and further, the meeting having been called by the International Committee which has not, so far as I am aware, any official recognition, and which was to be presided over by a German who had already – so it appeared – taken credit for eliciting an opinion from Visct. Aoki on the subject of the Imperial Ordinances, it was out of the question for me to take steps that I could have ventured to take – had a British subject been the president of that body for the time being. I have heard also that the resolutions put at the meeting had been prepared beforehand; and I believe that the

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
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introduction of an official communication at the last moment by the British section might have been objected to.

But looking back I permit myself to say that I consider it well that the document was not read at the meeting, for I judge from the temper in which the communication was received, it would have met with the very treatment that you wished should be avoided. I feel certain it could not have been read without provoking a most undesirable discussion.

Besides giving you a detailed account of all that occurred in connection with this matter and stating my opinion of what would probably have occurred if Visct. Aoki's statement had been read publicly I desire also to remove any wrong impression you may have formed as to my action in this matter. It has always been my desire and endeavour to carry out to the fullest extent your wishes, expressed officially and privately, and I should regret extremely if in the present instance you had attached any blame to me.

Yours very truly

Henry A.C. Bonar

P.S. I add copy of a note received today from Walford in reply to my enquiry as to what steps he took on Friday in consequence of my request. No doubt I shall receive an official acknowledgment also. H.A.C.B.

Handwritten note, apparently by Satow:

“22nd Jan. 1900. How it came abt, that Vt. Aoki's Note was not read to the meeting of 19 Jany.”

Copy of note from Walford to Bonar

Copy

Yokohama

22 Jany. 1900

Dear Bonar

The correspondence which you sent me on Friday was communicated to as many persons as possible before the meeting, but the arguments were so manifestly insufficient that I suppose it was not considered necessary to refer to them in public.

Yrs. very truly

(P) Ambrose B. Walford

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

159. Bonar to Satow

Yokohama

23 January 1900

My dear Sir Ernest,

It is a curious coincidence that the matter of settling the land question by means of a Commission as Whitehead suggests was occupying my mind at the time your note arrived. On reflecting it appears to me that there could be no better or [more] satisfactory method of dealing with the matter, and having incidentally suggested this mode to Walford he also thinks it wd. be far more satisfactory than the present way of sending up for representation one point at the time.

I have been bearing in mind the matter of the provisions of Art. 369 par. 2. Walford also remembers it. For myself I quite agree that as the Civil Code makes no mention of perpetual leases its provisions cannot apply. But perhaps they could not apply to the right known as "superficies (perpetual leases)" as that right also is not named. Again Art. 45 of the Law of Operation does not use this term "superficies (perpetual leases), so unless legislation is brought to bear on the subject that difficulty and a heap of others will not be removed.

To obtain that legislation, if the 'Japan Times' at all represents Japanese official opinion the Japse. Govt. might willingly give every facility for a thorough enquiry into the matter, and such an enquiry should be held by both Japse. officials and foreign representatives of the Land Renters. And the constitution of a Commission as you suggest it, would be the very way out of the difficulty. If this proposal takes any shape, I would like to make some further suggestions, and that is that all nationalities be represented by one Commission only to consist of say 2 lawyers (of whom one might be a Japanese) who should be the spokesmen of the Community and sit with 2 or 3 Consuls, the Prefect & all the others you mention.

I will explain my reason for suggesting this when I see you and if the idea is practicable. The question is not by any means thrashed out & not nearly every point has even been touched upon.

I may be entirely wrong, however, in my view and that is that the absence of the definition of the word 'property' would not in any way interfere with a settlement of the question of the tenure of the ground, I believe once that is settled, the question of taxation and registration of buildings might be settled by arrangement; by that time we should probablky have heard of the Law Officers' opinion.

I send you one of the Walford prints. I have an official acknowledgement from him of Visct. Aoki's note, which I will forward tomorrow.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Yours very truly
Henry A. C. Bonar

160. Bonar to Satow

Yokohama

25 January 1900

Private

My dear Sir Ernest,

I am very grateful to you for consulting my wishes in the matter of my leave. It is true that on hearing of Forster's idea to return in May I thought I might like to go then, but as I said this morning this would bring me back in August, and as one is naturally anxious to avoid that month I would prefer to go about the end of June. As Forster is coming out entirely for his own convenience I suppose he will not mind waiting somewhere for my departure.

As I should under any circumstances like to remain until Wilkinson returns, and that I should probably be busy until the last moment, I should then have time to get ready.

I still intend to travel via Siberia if possible, and failing that would like to go by Canadian mail of 15 June or 6 July.

Yours very truly

Henry A.C. Bonar

P.S. The printed copies of the 'Resolutions' are more business like than the written sheet sent in my despatch yesterday. HACB

Satow's reply (draft written below letter):

2 Feb.

My dear Bonar,

Your note of 25 Jan. reached me after the bag was closed, & I could not get back my letter to Forster. However, I can send a letter to meet him at Hong Kong.

Since you do not care to avail yourself of the opportunity of going on leave which Forster's return offers, I am afraid you will have to wait until Playfair's return. He is due on July 28, but I have not yet heard anything about his movements. There is nothing certain except Forster's return, and if you do not care to avail yourself of a certainty you must take your chance. y.v.t.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

161. Bonar to Whitehead

Yokohama

30 January 1900

My dear Whitehead

The enclosed return contains all the information respecting Office (including Court) servants. The so-called Court messenger has disappeared from the list, so that simplifies matters so far as the Treasury is concerned. I understand Sir Ernest will look into the matter. Would you therefore kindly let him have the enclosure on his return.

Yours sincerely

Henry A.C. Bonar

162. Bonar to Satow

Private

Yokohama

3 February 1900

My dear Sir Ernest,

Thanks for your note about my leave. As there are still three months before Forster can arrive perhaps you would allow me an opportunity to think over the matter.

I fancy you told me some time ago that Hall in Kobe had communicated with you respecting the extent to which we could or might avail ourselves of the German and Consular Conventions. I may be mistaken, but if anything has been sent to him officially on the subject would you permit me to see it?

I have the matter of Gordon's estate before me, and though no difficulty has yet occurred the Japse. Judicial authorities might at any moment wish to know in accordance with what provisions I was acting. There is no will, and no one else able – so I understand the Consular Instructions to act. There is a business which will have to be sold, and a large number of shares in a local company to be looked after, and consequently a certain amount of property – perhaps ¥70,000 or ¥80,000 – to be taken care of, in the best possible manner.

Yours very truly

Henry A.C. Bonar

Satow's answer in summary at top of letter:

Ansd. Had better apply officially when he has made up his mind. I sent him for perusal dft. of desp. to Hall & dft. of Cons. Convention. Ap[p]ly for letters of admin. & if refused write to Gordon's next of kin for P/A. [Power of Attorney]

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

163. Bonar to Satow

Yokohama

5 February 1900

My dear Sir Ernest,

I will retain for a day or two the enclosures relating to Consular Conventions which you have kindly sent me.

I hope I shall be able to arrange something satisfactory about Gordon's estate.

I have received from Lowder & Akiyama an official letter of which I feel bound to send you a copy in addition to my despatch, though it is practically an announcement of the abandonment of their appeal.

I have been able to arrange privately for Kent. It was his particular wish that he shall [should?] be allowed to proceed to the Negishi prison in a jinrikisha instead of the prison van.

I am sorry to hear you have not been well.

Yours very truly

Henry A.C. Bonar

164. Bonar to Satow

Private

Yokohama

7 February 1900

My dear Sir Ernest

I return you now the confidential enclosures.

I have thought it best to sound the Judge of the Local Court before making the application for Letters of Administration, as a refusal to my official application would have prevented my dealing effectively with the estate of W. Gordon – i.e. to take steps necessary in the interests of the heirs.

The Judge's reply to my enquiries is that I am entitled to exercise all functions which are exercisable under the German Consular Convention, though he did not quote it. Hampden, to whom I had entrusted the mission judged it was the German Cons. Convention which the Judge quoted as the law on the subject, so presumably I should have no difficulty in proceeding to deal with the Estate so far as this case goes. Further the Judge does not see any necessity for me to take any other steps so far as his Court is concerned except to notify him as to the removal of seals.

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

I fear very much that by making an official application for Letters of Administration the Judge would probably not understand my request, & by referring to the Judicial Department his reply might be delayed or complicated. I should therefore like to consult you as to the advisability of taking advantage of what is offered me, without asking for something which, so far as the Judge is aware – is not contemplated.

I understand that the Italian Minister (actg. as Consul Genl.) is anxious to know what I am doing in this matter as in a case that has occurred in Nagasaki the Authorities are not facilitating matters of succession. It seems advisable that we should establish a precedent until we can avail ourselves of a Consular Convention.

I see in the paragraph which you mention it says “Letters of Administration of the effects left by deceased” ; would other property not be included? If it is convenient to you I should like to run up tomorrow to see you.

There is another matter which has been brought before me on which I should like to confer with you.

Yours very truly

Henry AC. Bonar

165. Bonar to Satow

Yokohama

9 Feb. 1900

Private

My dear Sir Ernest,

The German Consul-General called on me yesterday (while I was in Tokio) and left a message to say that he wished to contradict a rumour that had got about in Tokio and Yokohama that that communication of Viscount Aoki's which you sent to me on the evening of the 18th Jan. had been “wilfully suppressed.” I called upon him in the evening and told him that so far as I was concerned there could have been no suppression but that I was not responsible for the view taken of the actions of the meeting in not reading the communication, or for anything in connection with the meeting. Such a rumour is calculated to make it credible that I was party to the suppression. I think I have explained sufficiently what my action has been, and in case an opportunity is afforded for you to contradict or make it plain that I was not in the slightest degree concerned in this matter I beg you will do so. It may be that the German Minister has misunderstood the matter, and discussed it with Coates, otherwise the German Consul would not have ventured to make any comment on the rumour. However the rumour got about, it is most unjust that I should in any way be connected

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

with the action – which I do not pretend to criticize of the Landrenters' meeting or the British subjects who had been made aware of Visct. Aoki's letter. There is no knowing what the Germans are saying. I understand the rumour is coupled with expressions of sentiments not friendly to the Yokohama Community. This of course is a pity.

Yours very truly

Henry A.C. Bonar

166. Bonar to Satow

Yokohama

21 February 1900

Private

My dear Sir Ernest

I heard through Wylie this morning that Holm of the International Committee had interviewed Visct. Aoki on the Land question and that Visct. Aoki had said that probably the Japanese Government would give in on certain points tho' not on all. What the certain points are is not clear, but it appears that Viscount Aoki suggested that the appointment of a Commission would facilitate a result. If he did say that then it is to be hoped that something can yet be done.

With respect to my leave may I take it for granted that I may start end of May or beginning of June – I wish to make certain arrangements.

I hope you received the plans &c. I sent up from the C.P.R.Cy.

Yours very truly

Henry A.C. Bonar

167. Bonar to Satow

13 March 1900

My dear Sir Ernest

I trust the matter of J. Turner Harrison's claim is clear. Litchfield thinks there is no doubt about the matter.

There has been nothing official to write to you about and the last fortnight has been without any incidents worthy of mention. It is not at all clear what the International Committee has done in respect of engaging Dr. Loehnhom's services – one day I hear that he has been definitely retained, the next that the matter is not at all settled.

The death of the U.S. Consul is a sad event; he must have suffered for a long time. Little as I saw of him I had a great liking for him nevertheless.

The Minister of Justice was to have been my guest tomorrow when sundry legal

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

men are lunching with me. It is doubtful whether he will come, but as he has asked me to dine at his official residence on the 26th instant will you consider it a great liberty if I ask you for a bed that night?

Yours very truly

Henry A.C. Bonar

P.S. Cockburn Chinese Secy at Peking passed through today en route for his post. It was interesting to have a conversation with him. We came out together 20 years ago.

168. Bonar to Satow

15 March 1900

My dear Sir Ernest

As reference is made in the desp. No. 15 about the date on which my No. 22 reached the Legation I wish to say that after commencing the draft I found that there were certain mistakes & omissions in the documents accompanying Harrison's letter which I asked Litchfield to see to. He returned them to me on the 12th. Harrison has gone on another trip to Guam & I am not sure whether he returns here; but he certainly intends to be in London during the summer & I will see that he is informed that he had better go to the F.O. to interview some one in the China Departt. Would it be proper for me to introduce him myself if the opportunity occurs? Litchfield told me he had gone carefully through the papers, and I had asked Holmes to do the same. I regret the clerical errors.

I hear from Admiral Bruce that he expects to arrive on Tuesday morning. As you will have the Legation full please do not bother about me for Monday the 26th. I shall be pleased to come another time when I have not an official dinner to go to, and have the opportunity of talking over matters with you.

I am now given to understand (I heard it from Walford) that McIvor – not Loenholm – is to act as the Land Renters' legal representative. That will irritate the German section.

Yours very truly

Henry A.C. Bonar

169. Bonar to Satow

Yokohama

16 March 1900

My dear Sir Ernest

I hesitated somewhat before reporting to you the Lieut. Kawashima incident, but as I

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

cannot do anything more in the matter except with your help, I should like to be guided by your advice. The case, I think, is sufficiently bad for the Naval Departt. to take notice of it, and I have been told that if put before the Vice Minister for the Navy – say privately – he would deal energetically with the matter. Doubtless it would be very awkward to represent the matter otherwise than semi-officially or privately to the Vice Minister, as the subject is rather delicate. It would be a pity if we cannot in any way assist Mrs. Howard and her unfortunate daughter.

It was very awkward for me to write to Kawashima officially, but there seemed no help for it, and it certainly has done good, as he admits that he is in fault.

As you might like to read all the correspondence altho' it seemed hardly worth while to read it all officially I am having a copy made for your perusal. The case I think is quite clear. I shall be glad to receive your advice in the matter.

Yours very truly

Henry A.C. Bonar

170. Bonar to Satow

Yokohama

22 March 1900

My dear Sir Ernest

I think the correspondence I forward in my despatch on Certificates of Origin gives more particulars than any individual case I could have reported on. In addition I send you privately a copy of a letter also addressed to the Ch. of Commerce but not connected with Cert/ of Origin. It is pretty plain speaking, but not polite on the part of Bowden Bros.

I am proposing to absent myself from tomorrow noon until Monday in the Country - & perhaps Warrender will be with me. In case there should be anything from the Legation tomorrow which should be attended to at once would you kindly let me know.

The Br. Consulate will be well represented at the U.S. Consul General's funeral ceremony, & I have already explained to all concerned that my absence from the ceremony will be quite accidental, and they appreciate sufficiently my sympathy, I know.

Yours very truly

Henry A.C. Bonar

P.S. Since writing I have thought it might be better if I did not go into the country especially as you are coming on Saturday to Yokohama.

I shall be very glad indeed to come and stay with you on Monday evening. HACB

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

171. Bonar to Satow

23 March 1900

My dear Sir Ernest

I will endeavour to get further information on the subject of Certificates of origin.

I forgot to tell you that Kuwada, the Kan-toku hanji of the Kusaibansho here, before whom all the matters of registration (incl. Healing's) have come, has been retired, and another judge – I should say entirely fresh to questions affecting foreigners' rights has been appointed. It is reported that his removal from hi post is connected with his attitude on that matter. As the Law stood I think his views were correct. It remains to be seen what views the new judge takes.

Do you propose to be present at the late U.S. Consul-General's funeral? The ceremony is to be at the Church - next door to the Consulate – and terminates there.

I am to have the pleasure of lunching on board the "Barfleur" also, so I shall probably meet you at the hatoba [wharf] unless you will look in at the Consulate of your train arrives early.

Yours very truly

Henry A.C. Bonar

172. Griffiths to Satow

Yokohama

April 2, 1900

Dear Sir Ernest,

I thank you for your kind note and offer of appointment to Kobe. I shall be very glad to go to Kobe and act during Wileman's absence.

Yours very truly

Ernest A. Griffiths

173. Bonar to Satow

Yokohama

10 April 1900

My dear Sir Ernest

I very much regret that owing to pressure of work and want of time I am unable to send you such a report as I fancy the F.O. wd. like to see on the Kirin Beer label case. Late in the afternoon of yesterday I received from Dodds sundry papers, and what is but a very meagre report by Stewart, the Secretary of the Brewery. Hampden is getting

Correspondence and Papers (private). Japanese mission. Consular Staff. Yokohama.
(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

ready translations of the judgements in the cases, and what with the other materials I send up I hope some one in the Legation will be able to put together a report.

An analysis of a judgement and a criticism of the evidence (- for I suppose that is really necessary for a complete report) is a most difficult matter I have found after my experience of the Kent case, but probably something less than that will do.

I have just finished my Trade Report which I will forward officially tomorrow in the hope that it will go by Friday's mail.

Griffiths will be in Kobe Thursday forenoon; I suppose he can hardly get ready before.

Payne (C.P.R. agent) came to see me today respecting the theft in board the C.P.R. steamer, and asked what the law was on the subject of Japse. Judicial auths. proceeding on board to make enquiries, or even for the purpose of making arrests. I quoted sec. 179 of B/Trade Instns. to Consuls; and as no difficulty has occurred the matter ends here so far as this port is concerned. As they (the Japse. Judicial Auths.) suspect some member of the crew they will probably want to go on board at Kobe and may possibly want to arrest the 2nd boatswain (who, Payne informs me confidentially) is supposed to be implicated. I mention this in case you do hear anything from Kobe on the subject. An interpreter from the Court came to say that the Kenji was proceeding on board, & that he had not had time to inform me of this. The Captain gave the judicial officials every facility, and the delay in the steamer's departure was nothing out of the way.

Yours very truly

Henry A.C. Bonar

174. Bonar to Satow

[In pencil: Please look up this point as to Acting Registrar's salary.]

Thursday morning

19/4/00

My dear Sir Ernest

I avail myself of a messenger's opportunity to write this morning to ask you whether I am right in supposing that it is the whole allowance of £100 [pounds] per annum that Moss is to draw. As I am going to acknowledge the desp. No. 6 to the Court I should like to be able to state the amount (which may be either at the rate of £100 or £50 per ann. , the latter rate being excl. of the Interpreter's allowance which is £50.). As, however, Wilkinson in his despatch speaks of the usual allowance as Actg. Registrar it may be presumed that the F.O. mean the £100 allowance.

I regret to trouble you on this point, but I shall be glad of your opinion.

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Yours very truly
Henry A.C. Bonar

175. Bonar to Satow

Yokohama

19 April 1900

Private

My dear Sir Ernest,

In our conversation the other morning on the subject of the case I am this day reporting officially I did not mention one feature of the case which is unpleasant, namely that the application for that order was made on behalf of Defdts. by Akiyama (Akiyama & Lowder). It comes ill from foreign Defdts. to put every obstacle in the way of a foreign plaintiff in a Japse. Court; but I fail to see why the Court allowed the Defdts. to succeed in their application; on this ground – that tho' not officially amended, the Treaty makes the articles as to securing null & void – as being in my opinion as antiquated.

The President of the Chiho Saibansho will no doubt privately give me his views on the subject.

Another point I would beg you to re-consider, and that is whether under similar circumstances a Consul should not in the first place address himself to the Local Auths. (including Judicial auths.), though not necessarily in writing. Of course I did so in the Kent case, and tho' in the section of the Consular Instructions relating to civil suits nothing is said, in sect. 7 Criminal matters it is clearly indicated that in certain cases a Consul should represent the case to the local judicial or police authority , & if his representations are unsuccessful report on &c.

Of course a criminal case is more urgent. I am not desirous of discussing the matter since you have told me that the present case was purely a case for diplomatic representation; I beg that for my own guidance you will tell me what is the widest sense in which one should read the expression “Local authorities” in section 2 & 3 of Chapt. XV of the General Instructions (quoted on page 13, 14 & 15 of the Special Consular Instructions). I may have misunderstood you some time ago when you told me that I ought not to report to the Legation a matter for representation to the Central government unless I had failed in obtaining redress locally.

In view of your approaching absence I should all the more like to be favored with your opinion privately on this point, as it affects many other matters.

Yours very truly

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(Satow Papers: PRO 30/33 6/3. November 1898-April 1900.)

Henry A.C. Bonar

[End of file]

Correspondence and Papers (private). Japanese mission. Staff of Yokohama consulate on leave. (Satow Papers: PRO 30/33 6/4. January 1896-April 1900)

Satow Papers: PRO 30/33 6/4

Correspondence and Papers (private). Japanese mission. Staff of Yokohama consulate on leave. (January 1896-April 1900)

1. Troup to Satow [Personal. Ans. 9.3.96]

Paris House.

Aberdeen. Jan. 30 1896.

Dear Satow,

By present arrangements I ought to be back in Japan in the month of June, - as I left thereon the 1st of June of last year, as a year's leave of absence. I am induced, however, to ask the F.O. for three months' longer leave, - or, say, to leave England for my post in the month of August. I purpose being in London again in March, and mean to make an application then. It is, I know, the invariable practice never to grant additional leave without a reference to the Minister on the subject, - and this is usually made by telegraph. I therefore write you now, so that you may have this by about the time when a telegram would reach you from the F.O. - if a telegram is sent.

The reason why I asked for leave last year, a few months before the expiry of the regulation five years, was on the ground of making arrangements for my younger two boys. I am still in some uncertainty as to my youngest. He is to try for Woolwich in June next; and I am anxious to remain at home long enough to see if he is successful. My wife's coming out with me would depend on this. If the boy gets in, we could arrange for the rest regarding him; but, if he fails, my wife could not possibly leave him until something definite is arranged for him. That is practically the whole matter.

Of course, if an actual Service necessity requires that I should be back in June, the alternative is for me to start off (as I did last time) leaving my wife at home. She would follow me this time when we saw that the young man was in a fair way for his future ; -- but, of course, it would be much better if I could see the thing arranged before I left, and she could come out with me. I have no doubt [John C.] Hall will be delighted to continue where he is ; but I do not know how you are situated as regards the other Consulates and the staff in general on the spot.

I forgot whether I mentioned to you that our eldest son is married, and in a Bank in Rio; our second goes to India, next year, in the Forests - & the third is at the Sch/Mines. [Royal School of Mines established in 1851?]

I trust you are well, & that all goes smoothly now in Tokio. My wife joins me in kind regards. Yours sincerely, James Troup

Correspondence and Papers (private). Japanese mission. Staff of Yokohama consulate on leave. (Satow Papers: PRO 30/33 6/4. January 1896-April 1900)

2. Kenny to Satow [ansd. Oct. 13 in the negative.]

King's Meadow House,

Waterford

August 20 1896

[recd. Oct. 12 –]

Dear Sir Ernest,

I have applied to the F.O. for an extension of leave until February 27 next, and have been advised to communicate with you as to whether I can be spared until then. My application is for two months' additional leave, on the ground of ill health and that, in the doctor's opinion, I require at least six months' rest before returning to Japan. I have been reading law since my return in November last, and have passed my Final and got called last Term at Gray's Inn – of course I am aware that the Service is rather shorthanded at present owing to the draft of three men to Formosa and poor [James Joseph] Enslie's death [on 14 June 1896], but I trust you will not consider my application inconvenient, and that you will be able to see your way to recommending me for the extra two months under the circumstances. I should feel very grateful if you can do so. [John James] Quin, who returned home about a fortnight ago, has written to me and told me how the staff was distributed when he left. He is very despondent about the state of his health, and is anxious to retire, as his doctors do not think he can ever recover sufficiently to be able to resume work. But perhaps a year's complete rest and change may set him right.

I have to thank you for giving me the option of the Tokio Vice-Consulate. I accepted it because – with the Asst. Japse. Secretaryship – it seemed to offer a wider field, although, pecuniarily, I rather suffer by the change. I hope you will pardon me for mentioning that when I left I had held for several years the substantive appointment of Registrar which is, so to speak, the Senior position open to Asistants and Interpreters in the service (Mr. Bonar acting for me during my absence) and that therefore I appeared to be next amongst the 1st Assistants in the line of promotion.

I trust you will not consider me obtrusive in thus advancing my claims – I dislike doing so very much – and hoping that you will kindly recommend my application.

I am, dear Sir Ernest, yours very truly, W.J. Kenny

P.S. As my leave stands at present I am due to leave here about the middle of November – to arrive in Japan on Decr. 27. W.J.K.

3. Satow to Kenny [draft] ¹

Tokio

4 March, 1899

My dear Kenny,

The best thing I can do for you under the circs. is to appt. you to act temporarily at Hakodate, as Playfair has asked for leave. ² The summer there ought to do you a great deal of good, & perh. later you could go back to your own post [Honolulu], or some other acting post cld. be found for you in Japan. This I think will be better for you than going on leave to England, with an uncertainty abt. your future. I had hoped Hawaii wld. have enabled you to recruit [recover health], & that was why, when the F.O. asked me if I cld. recommend some one, I suggested the acting app[oin]tment being offered to you. In reporting this arranget. to the F.O. I have recommended that you should have your pay as Consul at Tainan as long as you remain in charge at Hakodate.

You say I “may remember that you applied for an extension of 6 mos. On the ground of ill-health when you were last at home on leave”, but the only trace I can find of it is a desp[atch] fr[om] the F.O, of Nov. 25 1896 saying that an extension had been granted to you, so that you wd. not arrive here before 5 Jan 97. Perh. you wrote to me privately, but if so, I do not recollect it.

I trust the arrangement I am making will suit your wishes.

y.v.t.

¹ This is not a reply to the previous letter from Kenny (No. 2) as the years are different. However, Kenny was promoted to be Consul for Hakodate and Niigata, to reside at Hakodate, on August 21, 1896. Thereafter he was transferred to Tainan (Formosa) in December 1896. He was then appointed Acting Consul-General at Honolulu on October 23, 1897 and was in charge there from November 11, 1897 to February 18, 1899. He was appointed Consul-General for the Philippine Islands to reside at Manila on May 21, 1903. (F.O. List 1911)

² Playfair was Consul in Hakodate from August 4, 1898. He was transferred to Shimonoseki to be the first Consul there on 1 April 1901. (F.O. List, 1916)

Correspondence and Papers (private). Japanese mission. Staff of Yokohama consulate on leave. (Satow Papers: PRO 30/33 6/4. January 1896-April 1900)

4. A.M. Chalmers to Satow

[Satow notes at top of letter: “wrote to Kenny 10/9 to ask whether he would be able to go to Anping in Oct. 20/8 wrote to Crowe to teleg. Pro dione[?]”]

Woodbank, Cults,
Aberdeen, June 24 1899

Dear Sir Ernest,

My leave unfortunately is drawing to a close and I have taken passages to Yokohama for myself and wife on the P. & O. S.s. “Britannia” leaving Marseilles on the 28th September. We are due at HongKong on the 29th October and at Yokohama on the 6th November, which i think is as near the date I am due in Japan as the P & O. mails admit of.

Mr. [Francis A.] Campbell [Senior Clerk, 1896-1902] at the Foreign Office was unable, as I anticipated, to tell me what my port was likely to be, but he thought I might suggest to you the possibility of telegraphing the name of the port to the F.O. if you would be so kind. Our heavy baggage will have to be shipped by intermediate P. & O. steamer about August 12 and unless I am otherwise instructed I must have it consigned to Yokohama. Of course it is only in the event of my being ordered to disembark at any intermediate port that previous information would be of importance to me on account of the trans-shipping and delay in waiting for our things, and in that case we should both feel very gratified if this could be obviated.

We have had a glorious holiday so far and have been most fortunate in our weather. London in particular has been very kind to us in this respect.

Yours sincerely,
A.M. Chalmers

5. Ralph G.E. Forster to Satow

[Ansd. Jan. 22/00 in acc[ordance] with Memo.]

46 Elm Park Road
Chelsea, London S.W.
November 29 1899

Dear Sir Ernest Satow,

I am writing to let you know that we shall be returning to Japan at least two months before my leave expires. The voyage home was so trying that I do not dare to run the risk of a repetition of such heat and we shall consequently leave about the end of March or beginning of April and arrive early in May. I should be most grateful if you could let

Correspondence and Papers (private). Japanese mission. Staff of Yokohama consulate on leave. (Satow Papers: PRO 30/33 6/4. January 1896-April 1900)

me have an idea to which port I am likely to be sent, so that we may get suitable things in the way of outfit. I trust you will pardon my asking you this question, but it is mainly on my wife's account. I met your cousin two days before his wedding and he introduced me to his fiancée. We have had most lovely weather ever since we arrived in England and the change has been most beneficial to my family and myself. We have just returned from a ten days visit to the Troups. Mrs. Troup does not seem to be very strong and he although quite well physically, appears to be very absent-minded.

My wife unites with me in kind regards.

Your's very sincerely,

Ralph G.E. Forster

6. F. W. Playfair to Satow

[ans. 17/2/00 Either Hakodate or Shimonoseki acc. to circs.]

2 Fettes Row,

Edinburgh,

January 10, 1900.

My dear Sir Ernest,

I hope you will excuse my troubling you, but I would be most grateful if you would let me have a line as early as you can, informing me if there is any probability of my not returning to Hakodate but being sent elsewhere.

My chief reasons for wishing to know are (1) because I have to ship heavy baggage some time before I start myself; & (2) certain clothes, stores &c. which are necessaries at Hakodate are superfluties in some other places. Personally, I should like above all things to return to my own post. I have a furnished house & staff of servants there all ready to receive me, & the place suits myself & family even better than Kobe.

If you could tell me I have to go elsewhere & the name of the port I should be very grateful, as in that case I should have to arrange to arrive at Yokohama in time to pay a visit to Hakodate & settle my affairs there before proceeding to the new post [port?]. I have not yet been able to find out when C.P.R. steamers leave Vancouver later than April, but their schedule will soon be out I fancy. The Canadian route is the one we propose travelling by.

I suppose [Henry A.C.] Bonar will be coming home as soon as he can get away, even if he has to wait for Forster – who leaves before me – to relieve him. I have not a notion what difference in our work Treaty Revision has made, but do not suppose it is very great. I have heard [John H.] Gubbins is on the way home. I also heard a rumour that a Consulate is to be opened at Moji [opposite Shimonoseki on the Kyushu side of the

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Kanmom straits] – I should think that would be a very dull place. For myself I think Yokohama is about the last place I should choose, though in the ordinary course I suppose I must go there some day. Of course the [Anglo-Boer] War is the absorbing topic here – as so many Scotchmen have been killed. I saw Mr. Newman only at the F.O. but when I go to London again I must see other men. I saw Forster & family when in town, F. looking well & getting stout.

Hoping you are well & with kind regards from my wife & myself.

I remain,
yours sincerely
F.W. Playfair

7. Forster to Satow

Thatched House Club

St. James's St.

March 2, 1900

Dear Sir Ernest Satow,

Please accept our very grateful thanks for your kind letter of Jan, 22nd, giving us an outline of our probable movements. We are of course much delighted to return to Yokohama. We are leaving Southampton by the N.D.L. [Nord Deutscher Lloyd] steamer "Hamburg" on the 26th inst., and are due to arrive in Yokohama about the 8th of May. Mrs. Clarke Thornhill is coming out to the East by the same steamer. I saw Gubbins for a few minutes the other day: he had a bad attack of influenza immediately after his arrival. London is recovering from yesterday's excitement over the news of the relief of Ladysmith. There was an extraordinary scene outside the Mansion House, traffic being almost entirely stopped by an enormous crowd singing 'God save the Queen' and other patriotic songs.

With our united kind regards,
Yours very sincerely
Ralph G.E. Forster

[End of file]

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan R.A. Mowat (Satow Papers: PRO 30/33 6/5. Sept 1895-April 1897)

Satow Papers: PRO 30/33 6/5

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan R.A. Mowat (Sept 1895-April 1897)

1. Satow to Mowat [draft-cum-copy] ¹

Private 11/9/95

Dear Mowat,

I sh[ou]ld. be greatly obliged if you w[ou]ld. kindly give me your opinion on this batch of papers abt. the collision betw[een]. the Naniwa kan & the Turbo. I do not feel at all satisfied that there is sufficient evidence for me to present a claim to the Japse Govt or even eno' to warrant my pressing them to re-open it.

What I sh[ou]ld. have liked w[ou]ld. have been a chart of that portion of the harbour where the 2 ships were, with their courses laid down & the directions given by the captain of the Turbo. Then I cld. with some confidence have asked you to tell me wch. vessel is to blame.

Messra. S [Samuel] & Co. start by asserting that their vessel was at 'anchor', but it turns out that she anchored as part of her endeavour to avoid collision, only a few m[inute]s before it occurred.

Supposing however you think c. [with] Hall that there is primâ facie ["at first appearance"] evidence in favour of the Turbo, can you suggest to whom as experts the decision might be referred.

y.v.t.

E.S.

2. Mowat answers Satow (p.3 of original file)

Yokohama

13/9/95.

My dear Satow,

I sh[ou]ld. require a good deal more information than is disclosed in the papers re the "Turbo-Naniwa" collision before I c[oul]d. Express any opinion as to the liability of the "Naniwa".

The agents of the "Turbo", I notice, in their letter to you, say that "The pilot Captain Wynne[?] is at any time available and can give further evidence on the subject if

¹ As was his custom, it appears that Satow drafted his letter in his own shorthand, then after writing the letter out neatly and sending it he retained the draft as a copy for his own records. Thus for example `the` is written in abbreviated form similar to ζ.

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan R.A. Mowat (Satow Papers: PRO 30/33 6/5. Sept 1895-April 1897)

required to do so.” Should you, therefore, think fit, I’ll get the Agents (thro’ Hall) to procure the pilot’s attendance before me : and in such case it would be very desirable that I sh[ou]ld. have the assistance of a nautical report. I take it that you w[ou]ld. not wish to prefer the claim at all unless it were tested as thoroughly as an ex parte ²case can be tested.

Yours Truly
R.A. Mowat

3. Mowat to Satow

15th Oct. [1895]

My dear Satow,

I hadn’t thought it necessary to write about Kenny’s departure, in view of the recent despatches of 17th & 21st Sept. I have now looked back to see what was done on the last occasion he went home. I find that Hannen on the 9th July 1887 forwarded to the Minister an application from Kenny for leave “to date from or about Aug. 31st next” and even after that interval no report of the departure was made. The Legation despatches were of the 12th July & 14th Sept. : there was none from the Court but the ones I have mentioned.

Yours Truly
R.A. Mowat

The “Turbo” pilot did not turn up till 3.30 p.m. of the 28th Sept. & was to leave next morning at daylight. (He had arrived the previous forenoon, & had been told by his agents to come, but he delayed over a day.) It was arranged that he sh[ou]ld. on his return voyage telegraph from Kobe his arrival there, so that he sh[ou]ld. be ‘got at’ next time at once.

R.M.

4. Mowat to Satow

Private

Yokohama

25th Oct. 1895.

My dear Satow,

As to the reports y[ou]r private note enquired about, I imagine that the J.G.

² An ‘ex parte’ decision is one made by a judge without requiring all the parties to the controversy to be present. (“ex parte”, Latin, means “from, by or for one party”.)

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[Japanese Government] won't consent to the question of the navigation of their ship-of-war being left to any but naval officers, & one of those, they w[oul]d. naturally claim, sh[oul]d. be Japanese. The other sh[oul]d. equally be English, and the two sh[oul]d. agree beforehand on the nationality, at least, of an umpire in case of their difference of opinion – say an American officer, or a German one, as these all know English.

While on the subject, I sh[oul]d. like to make a suggestion if I may. Such cases – and they may often occur now – must give the Legation & the Consulate & the Jap. F.O. & Admiralty a lot of trouble. Would it not be a good thing to take advantage of this opportunity & ask the F.O. (Jap.) what facilities there are or will be given for bringing such questions before the ordinary tribunals of the country – as is the case in other civilised States? Had the “Naniwa Kan” been an English man-of-war for example, the Admiralty w[oul]d. have been applied to, and they w[oul]d. at once have authorised the captain of the vessel to enter an appearance in any action that was brought: the case w[oul]d. then have gone on like any ordinary action, & the Adm'y w[oul]d. have paid if the Queen's ship was to blame. ※

In the present case after already 3½ months' correspondence between the claimants & the Consulate & the Kencho [prefectural office] & Adm'y, the question of the constitution of the tribunal has now to be entered upon.

I trust you won't mind my having ventured on this suggestion.

Yours Truly

R.A. Mowat

※ And the procedure will be followed, of course, whatever the nationality of the complainant ship.

5. Mowat to Satow

Negishi,

23/11/95.

My dear Satow,

I'm sorry that the want of explicitness (which I now see) in my telegram has given you the trouble of telegraphing to Kobe. By “it” in the telegram I meant the enclosure in E's [Emslie's?] despatch. That enclosure was not sent me in your despatch – but I didn't want it sent now if it was the usual form of bill of health – for that I got from Hall.

Something in E's despatch, taken together with Lowther's opinion, made me think that E. might have modified the usual form in some way – and I wished to be quite sure on the point before answering you.

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I enclose the usual form for comparison with the one which E. sent with his despatch. If the two are identical, perhaps you'll wire me a word: if they differ, then the next messenger can bring me down the missing enclosure.

Yours Truly,
R.A. Mowat

I hope you got my private note in answer to yours on the subject of who should be experts in the 'Turbo-Naniwakan' matter.

It went with my despatch. R.A.M.

6. Mowat to Satow

26/11/95

My dear Satow,

I have a despatch from Emslie sending a copy of "our usual form of bill of health." It is the same as the one I sent you the other day, and I presume as the one which formed the missing enclosure. What made me think that he had probably made some modifications in it, on the margin or elsewhere, was that, as it stood, it obviously did not contain any "declaration regarding the state of health of those on board" (Lowther's words); and this idea was confirmed somewhat by his own statement that the measure was "not referred to in the body of the document."

Yours Truly
R.A. Mowat

Glad to hear about the Japanese Adm'y being suable [i.e. in a position to be sued]. I wonder if a foreign pl'ff [plaintiff] will ever get a verdict.

7. Satow to Mowat

Copy

17.1.96

My d[ea]r. Mowat,

The other day I saw a para. in the papers to the effect that Bonar[?] had been admitted to practise in your court, and was going to inquire of you what this meant, when I saw that he had acted as counsel for a Chinaman who was tried before you for murder or manslaughter. I inferred that there was a convenience in having him on the rolls in order that he might undertake the defence of the accused by y[ou]r. direction.

Will you kindly tell me whether this was the case. It has long been laid down by the F.O. that Consular officers who have been called to the bar cannot practise & retain their app[oin]tm[en]ts. at the same time, & I sh[ou]ld. be sorry to hear that the spirit of this

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instruction from home had been in any way disregarded.

I hope Mrs. Mowat has quite recovered from the effects of her accident at Nikkō.

y.v.t.

E.S.

8. Mowat to Satow

Private

Yok'a. [Yokohama]

17/1/96.

My dear Satow,

Bonar had some time ago applied to be admitted as Enslie and Wilkinson (in his consular days) both had been, but nothing was done till the other day when it was desirable, for the reason you infer, that he sh[oul]d. be on the roll.

There is no question, of course, of his "practising". His application, I took care, should be worded merely for leave "to sign the roll of the Court." A Mr. Perry, the Professor of Law at the Tokio University, applied the same afternoon to be admitted to practise, and the newspapers coupled their names together, not knowing (naturally enough) of the distinction made.

Thanks, but I'm sorry to say that my wife is still unable to use her right hand. The face is nearly well.

Yours,

R.A. Mowat

9. Satow to Mowat

Copy

Tokio

22 Feb. 1896

My dear Mowat,

Herewith I am sending to you some papers connected with a complaint of Pears & Co. Ltd. that their trademark has been counterfeited in Japan by one H. Kimura, together c. [with] 2 small packets of the genuine article & the alleged counterfeit. I sh[ou]ld. be much obliged if you w[ou]ld. give me your opinion whether there is sufficient ground for making a complaint to the Japse. Govt.

In the 1st place, we have no Treaty right at present, & cld. only ask interference as a favour, reminding them however that they have already in the new Treaty accepted the principle of protection to industrial property, & that therefore they can consistently take

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any steps they are willing to in the present instance.

But 2ndly, I do not feel convinced that Pears & Co. w[ou]ld. be able to obtain an injunction & damages in the case actually complained, even if they were entitled to the protection of Jap[ane]se. Law. It is a case, on wch. I suppose it w[ou]ld. be diff[icul]t. to form an opinion, unless you had the text before you. I suppose however you w[ou]ld. be able to say whether they w[ou]ld. get redress in a precisely similar case in an Engl[ish]. Court.

You will observe that outwardly the 2 packages present no points of resemblance whatever.

Inside the Japse package there is a handbill imitated fr. that of Pears.

The soap itself is not marked with anything resembling Pears' mark.

Lastly, the package of Japse. soap is sold at 14 sen the package, while Pears' fetches \$2.40 a package ; this is the retail price in either case. The lowness of the price I sh[ou]ld. think w[ou]ld. be a sufficient inducement to the purchaser, apart fr[om]. the handbill.

But all these points & others more essential will prob. present themselves to you on examn. of the papers & corpus delicti [lit.: "body of crime", here "hard evidence of counterfeiting"]. I only mention them as having occurred to myself as reasons for not taking up the case. Wilkowski [sic. Witkowski] verbally admitted that he thought it a weak one. ³

y.v.t.

E.S.

10. Mowat to Satow

Yokohama

27th Feb. '96.

My dear Satow,

In reply to yr. note of the 22nd, asking whether in my opinion there is sufficient ground for making a complaint to the Japanese Govt. on behalf of Pears & Co., I should say there is – the more so, as in a previous case of the same kind the Govt. took action on their behalf at the instance of the Legation.

The imitation of the handbill – which, it has been explained to me by Mr. Witkowski,

³ See Satow's diary for 12 February 1896 (Ruxton, 2003, p. 61). "J. Witkowski came abt. Pears' soap. He says it is a weak case, as tho' the illustrated sheet inside is an imitation, the outside box is not. W. has been 25 years in Japan, is a Pole."

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is one of a number enclosed indiscriminately in their boxes of soap – is of course wherein the infringement lies.

Yours Truly,

R.A. Mowat

I return all the papers & the 2 boxes [of] soap.

11. Mowat to Satow

Negishi.

29th Feb. '96.

My dear Satow,

It was of course from the standpoint of English law only (as you wished) that I answered your question in the affirmative. The previous case was referred to merely as a precedent of administrative action on the part of the Japanese Authorities, which, if recalled to them, they might feel in a measure bound to follow again.

I didn't know of the later unsuccessful case you mention. Probably our F.O. have forgotten its issue, otherwise they w[oul]d. hardly have troubled you to make a representation in a similar case now.

Yours Truly,

R.A. Mowat

12. Mowat to Satow

Yok'a.

24/10/96. 6 p.m.

My dear Satow,

I hear from Hall that he has adjourned the inquest on W. Carew till Monday the 2nd, and I understand his view to be that Troup can take it up where he (H.) left it. I express no opinion on the point, but think it right that you shd. at the earliest moment be informed of the position, so that you can decide whether Hall shd. go on Monday on Troup's arrival & possibly have to be brought back & re-appointed Acting Consul (T. being given leave of absence) in order that he sh[ou]ld. resume & finish the inquest, or he shd. be kept on here Acting (Troup not taking up his post) till it is completed.

I am sending you by the special messenger that takes this the 2 evening papers which I find here at the office – lest your own copies shld. not have reached you.

I have not looked at them (and I shall abstain from reading any reports of the proceedings), but Hall tells me it is "very bad".

Yours Truly,

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R.A. Mowat

13. Mowat to Satow

Yokohama.

26th Oct. 1896.

My dear Satow,

If the result of either the inquest or of the magisterial enquiry (which can go on simultaneously with, but independently of, the proceedings before the Coroner) sh[ou]ld be a criminal trial on a capital charge, I think it most desirable – indeed necessary – that the Crown should be represented at it by second Counsel. In such a case at home, the highest Crown Counsel would doubtless be engaged, and here, it seems to me, Wilkinson sh[ou]ld be specially retained to appear with Mr. Litchfield. But Lowder will, I feel sure, desire other assistance on his side, and the Crown, I think, should not in such a case deprive his client of the opportunity of getting the only other English counsel (Mr. Walford) in Yokohama. But, apart from that, Wilkinson seems to be, from every point of view, the proper person to have.

These, however, are matters for your consideration. I am writing now only to suggest that, should you think as I do, it w[ou]ld be well that Wilkinson had the earliest possible notice that you may desire his services. (The Minister too at Peking would no doubt have to be referred to, but Wilkinson would know how that matter stands, and could probably arrange as to it direct with the Minister.) I am sending you the Y[? Yokohama?] daily newspapers with Saturday's proceedings that he may have a knowledge of the case so far, should you decide to write to him.

He would – if the case comes on – of course “lead” Mr. Litchfield, even though nominally the latter has under our Rules the conduct of the prosecution. This he w[ou]ld expect, and Mr. Litchfield w[ou]ld concede to him.

Yours Truly,

R.A. Mowat

I sh[ou]ld of course be ready later, if you so wished, to write to you officially in the sense of this note, as to the necessity for 2d. Counsel & the desirability of Wilkinson being such. R.A.M.

14. Mowat to Satow

27/10/96 [Satow's handwriting?]

Negishi.

Tuesday mg.[? morning]

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan R.A. Mowat (Satow Papers: PRO 30/33 6/5. Sept 1895-April 1897)

My dear Satow,

I have just rec[eive]d. y[ou]r. note of last night, and have sent back by the messenger a note to you.

Writing y'day, I thought that a letter by the "Empress" w[oul]d. be sufficient at first. She shd. get to Shanghai on Saturday, and the inquest is not to be resumed till Monday; and it may have to be adjourned for a day or two – one can never tell beforehand in these cases. But even if a verdict necessitating further proceedings were returned on Monday, that w[oul]d. appear to be time enough to telegraph; and the message then to W. could be very short. Besides, in such a case matters cannot be hurried on.

The newspapers were specially procured for you to send to W. if you should write. I thought you might not have spare copies, and not so many different papers.

My offer to write officially about the necessity for additional Counsel was only if you sh[ou]ld. wish me so to do – and that of course only if and when the time came. The Treasury are dead agst. all extra expense, & the Judge's opinion on such a point could not fail to have some weight with them.

I shall not be at the [Yokohama] Races on W'day [Wednesday], as Wheeler advises me to take my wife down to Kamakura, & we shall probably leave this p.m. by the 12.55 train. I can see you, however, at the Court that day, if you will fix the hour.

Yours Truly

R.A. Mowat

15. Mowat to Satow

18/11/96.

My dear Satow

The accused has been committed for trial, and I have refused bail.

Will you of your own motion retain Wilkinson to appear with Litchfield on behalf of the Crown? or shall I write officially to you and request you to do so? If you are clear that it should be done – just as you thought it right to instruct Litchfield to appear before the Magistrate – then I needn't trouble to write. (You will perhaps remember that on the Race Course I explained to you what on consideration seemed to be the true view of my position in the matter.)

No message has been sent to Wilkinson from the Court as to the result of today's proceedings. Will you wire "Committed – bail refused" and anything more you think fit?

Of course it is impossible to say yet when the trial will take place. Walford's withdrawal may lead to Lowder's going further afield (? Francis of H'Kong) for

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assistance; and Wilkinson – I shd. say, but he will know best – needn't start till he hears of the approximate date. Troup who as A.B. [? Ambrose Berry Walford] is now done with the case, might as y[ou]r. officer be made the means of communicating between you and Litchfield, and keeping you posted on the subject.

Yours Truly

R.A. Mowat

All the Inquest newspapers were sent to W[alford], but none, so far as I know, with the proceedings before T[roup].

16. Mowat to Satow

Yok'a.

25th Novr.

My dear Satow,

If you don't appoint an Acting Vice-Consul in the place of Hampden, there will be no Provincial Court at Tokio for Troup to "visit"!

Why not solve the difficulty by getting him appointed Consul for Kanagawa and Tokio, to reside at Yokohama? (The Consul for Tientsin is also Consul for Peking.) He cd. [could] as Consul for Tokio, when occasion required, hold his P.C. there, or on emergency I c[ould]d. visit his Court. The Consular work there c[ould]d. be, I sh[ould]d. think, quite well done, under his direction, by the senior of the students, acting as Assistant; and he c[ould]d. of course himself go when necessary (e.g. marriages).

This plan w[ould]d. have the advantage also of preserving the facilities that Br. S. [British Subjects] now have in Tokio, and not diminishing them as you propose to do by shutting up the Vice-Consulate and requiring them in other cases to come down here.

Some one w[ould]d. have to be appointed temporarily to act as V.C. till the new commission shd. come out, so that the P.C. might be kept alive. The A.J. [Assistant Judge] or myself w[ould]d. of course visit it, if need be, in the meanwhile.

Yrs. Truly,

R.A. Mowat

17. Mowat to Satow

3/2/97.

My dear Satow,

I presume you will be able to let Wilkinson bring back the original minutes & notes. (The photos. of the letters can remain with you for a time.)

I'm glad the matter is to be settled promptly. The O. in C. [Order in Council] ought

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not to make it obligatory on the J[udge]. to send copies – it sh[ou]ld. be only if the Minister so desires. In the present case it is a pure form ; I'm certain you w[ou]ldn't read the copies if made.

What a hash the 'Mail' (I've just read it) makes of the law at the beginning of the summing up. It's right in the 'Advertiser' – a copy of which I send sh[ou]ld. you care to read it. The 'Advertiser' man sat at the Jury side of the Court, the other reporters sat under the Bench with their backs turned to me, & of course my face was turned to the jury all the time.

Excuse the scrawl.

Yrs.

R.A.M.

18. Mowat to Satow

Yok'a. 4/2/97.

My dear Satow,

She [Mrs. Edith Carew] sh[ou]ld. certainly undergo her sentence at Hong Kong.

Section 79 seems quite sufficient. She was "convicted before a Court in Japan", and has been "sentenced" – by way of commutation for the death penalty – by the proper authority "to suffer imprisonment in respect of the crime."

I was glad that you saw your way to commutation, and relieved at not having had to express any opinion.

Yours Truly,

R.A. Mowat

19. Mowat to Satow

Negishi.

25/3/97.

My dear Satow,

Thanks for y[ou]r. note, but I really am far from "fit" yet. It is rather a theoretical resumption of duty than a practical one, for the doctors coupled, to their consent to my returning a month sooner, the condition that I sh[ou]ld. do no real work for a month.

At present I do not feel that I c[ou]ld. promise to go up to Tokio on any day. If the matters are pressing, will you write about them? or are you ever in Yok'a? A morning (I'm freshest then) at the office w[ou]ld. suit you perhaps.

Re retirement. My application sh[ou]ld. get home about the middle of April, & allowing a month for the pourparlers [negotiations, discussions] between the F.O. &

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Treasury I hope to hear, by wire, of the result in the middle of May. If favourable, I sh[oul]d. go a month later.

If they consent, I trust Wilkinson will get the post. It w[oul]d. be of public advantage if he did. No one is better fitted for it, & he is certainly entitled to some recognition of his many & valuable services.

Yours Truly,
R.A. Mowat

20. Satow to Mowat (draft)

Tokio

29 Mar./97

My d[ea]r. Mowat,

I am sending you officially a copy of the desp[atch]. fr[om]. the F.O. w[hi]ch. I had been keeping to answer until your return, in case you sh[oul]d. wish to make any observations. At the time we previously corresponded on the subj[ect]. Troup had not been gazetted Consul-General, but I do not now whether that makes any difference as regards the amount of legal business in the V[ice]-consular Court, it appears that in the last 10 years there were 14 sittings, of w[hi]ch. 5 related to testamentary business, & there is no reason I think to anticipate that this proportion will be exceeded during the next 2½ years before the new Treaty comes into operation. If this is a correct forecast the am[oun]t. of additional work thrown up [upon] the Court w[oul]d. not I imagine be of an overwhelming extent.

I c[oul]d. not bring all my papers to Yoko[hama]. & the morning is a particularly inconvenient time for me to be there, so as I cannot have the advantage of discussing the question with you, I am doing my best in sending you the F.O. desp[atch]. officially. Anything else can wait. I hope you will soon be yourself again.

y.v.t.

21. Mowat to Satow

Yok'a.

6/4/97

My dear Satow

In y[ou]r. private note accompanying the desp[atch]. which I am answering today, there was rather a serious misconception. You wrote, after mentioning the quantum of judicial work in the past at Tokio – “the am[oun]t of additional work thrown upon the C[our]t.” [here, that is] “w[oul]d. not I imagine be of an overwhelming extent.” Of

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course it was not from that point of view at all that I deprecated the inclusion of Tokio in the jur[isdiction]. of this C[ourt]. My despatch (2nd Dec.) spoke of the “inconvenience and hardship to suitors, witnesses and jurors” – and at the end I mentioned that I c[ould]. “visit” Tokio if it sh[ould]. be at any time inconvenient for Troup to go.

Your desp[atch]. of Feb. 27, addressed to me at Nagasaki, I found bound up here the other day. Troup had opened it, & I presume not thought it necessary to send it on. I sh[ould]. probably have ans[were]d. it from Nagasaki or Shanghai, had it reached me. If by chance there was a private note accompanying it, that has never reached me.

I can relieve y[ou]r. archives, if you wish, of the a/c. of travelling expenses of Chalmers. It was sent up by Troup, per incuriam [“without reference to statute or preceding court decisions”] – on the analogy of the practice of the Consulates. The Court doesn’t get sanction from the Legation for its disbursements it has only the fear of F.O. query papers before its eyes.

I propose sending Mrs. Carew to Hong Kong by the “Verona”, & shall write you officially on Friday. I do not want the fact to be known sooner than it can be helped. She – it appears to me – need not know before Sat’y morning.

Thanks, I’m much stronger, but that insomnia (which I quite lost in Shanghai) seems [to be] returning again.

Yours Truly,
R.A. Mowat

22. Mowat to Satow (pp. 39-40 in original file)

Yok’a.

7 Apr. ’97.

My dear Satow,

Your note (by post) received. Yes – I shall be in on Saturday. Would you be disposed, on my recommendation (Art. 77 of O[rder]. in C[ouncil].) to remit the remainder of the sentence on one Dawson, late engineer of the “Saikiu Maru”, who was sentenced on 1st Oct. last to 15 months’ m.l. [minor larceny?] for theft of treasure from the ship? Longford can’t find any keeper to take the lunatic to H’K, where it is urgently necessary (he telegraphs) the poor man sh[ould]. be sent at the earliest possible date; and Dawson w[ould]. be a suitable man for the purpose. The only other we can find is a sailor just discharged from a ship, but he w[ould]. not do so well – Hodges tells me he is sure D. w[ould]. be very thankful for the clemency, as it w[ould]. enable him to get home to his wife & children, & start afresh. The sentence has had its moral effect outside – I mean on men of his class – and on himself the punishment has had its effect too.

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Please let me have a word “willing” or “unwilling” by wire. ⁴

Yours Truly
R.A. Mowat

23. Satow to Mowat (very faint draft, pp. 41-42 in original file, in pencil)

8 April 1897

My dear Mowat,

I don't think there was any misconception on my part in the note I wrote you ab[ou]t the proposed amalgamation of the V-C with the Consulate. If you will look at my official letter of Nov. 25 last you will see that what I had in my mind in asking you to furnish me with your opinion was the effect upon the judicial business of the two establishments, and especially the amount of additional work that w[ou]ld. prob[ably]. be thrown upon the Court. And that was what I still had in my mind as the main point of my reference, because under the proposal I have made the Court can still come to Tokio on an emergency if it thinks fit, and my original suggestion seems to square with what you wrote to Mr. [Hugh] Fraser in 1894 a propos of Longford's being moved to Kobe.

I told Paget to send back the vouchers of Chalmers' expenses & to cancel Troup's covering letter.

Of course if you recommend the commutation of Dawson's sentence I regard myself as having merely a ministerial duty to perform, and so I telegraphed to you this morning “willing,” feeling all the readier because of the scandalous disparity of the sentences in the Barrie case w[hi]ch. w[ou]ld. enable me to meet any objection that might be made by the Jap[ane]se. or on their behalf.

Can you tell me whether any formal approval has been given by the Secretary of State to the transfer of the ordinary sittings of the Court from Kanagawa to Yokohama see O. in C. of 1878 Article 5 (3). I cannot find any trace of it in our archives. It w[ou]ld. have been too amusing[?] if the Court had gone over to Kanagawa to hold its first sitting & then been transferred to Yokohama.

⁴ See Satow's diary for 10 April 1897 (Ruxton, 2003, p. 173): “Had an hour's talk with Mowat, and returned him at his request his letter asking that Dawson's sentence might be remitted in order to enable him to take lunatic Norman to Hongkong. Also the proposal to include Tokio in Troup's district, and referred him to his despatch of February 20, 1894 which he said he no longer held. Told him briefly what had occurred as to memorial against Troup. He sent a messenger after me to the station to say [Edwin] Wheeler had given an unfavourable account of the man's health, would I remit on that ground. I said yes, certainly.”

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24. Mowat to Satow (p. 43 in original file)

Negishi

8/4/97

My dear Satow,

That is not the view I take of Art. 77. The Minister, I shd. say, is certainly entitled, if not bound, to bring his own judgment to bear on the case for remission submitted to him - giving of course all due weight to the Judge's reasons. Considerations might occur to his mind which the Judge hadn't (e.g. the one you mention of a possible objection by the Japanese) or couldn't have, before him, which might constrain him not to give effect to the recommendation. Of course a flat refusal, without any reasons assigned, w[oul]d. not be courteous - but that w[ou]ldn't happen.

The Japanese Govt. cannot be heard to complain of the exercise of clemency to our prisoners. This instance, moreover, is not a case of pure clemency: the service that the man is to render is not an inconsiderable one.

After receipt of your telegram I told Hodges to see the prisoner. His note (enclosed - don't return) was sent up here, & I then wrote my official.

I shall look up what I wrote in '94.

I never heard of the Court having been at Kanagawa. (You were there in 1878, were you not?) I suppose the F.O. considered Yok'a a kind of suburb of Kanagawa.

Yours Truly

R.A. Mowat

Note from Hodges:

H.B.M.'s Consular Gaol

Yokohama, Apl 8/97

R.A. Mowat Esq., Judge

H.B.M.'s Court for Japan

Sir,

I have seen the prisoner Edward Dawson. He is apparently full of gratitude at the idea of his release and has declared in the most solemn manner that he will carry out the duties required of him and strictly obey the instructions given him.

Yours respectfully,

G. Hodges

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25. Mowat to Satow

Negishi

9/4/97

My dear Satow,

I shall be extremely busy to-morrow, I expect, and I shall therefore deal with that point now, so that there may be one less matter to talk of.

It w[oul]d. be a cruel disappointment to the man [Dawson] now if he were not to be released. Nothing, of course, was said to him till after the receipt of your telegram “willing” in reply to my note, which contained a pretty full statement of the case. (I don’t overlook the effect that y[ou]r. understanding of the Section, as to y[ou]r. duty being merely ministerial, may have had in leading you to make that reply.) In the next place Longford will be in a great difficulty: in a telegram of the 6th he says – “Anxious for reply if you can obtain suitable custodian – hopeless here.”

Now as to the technical point. I think to limit “circumstances of the case” to the circ[umstance]s. of the offence is to give it too narrow a construction. You will see that the Judge “may at any time, and from time to time report” &c. That surely must include circ[umstance]s. subsequent to the commission of the offence – e.g. the effect of the imprisonment on the prisoner’s health, his good conduct in jail, &c. An instance that occurs to my mind is where a prisoner has rendered service in helping to suppress an émeute [disturbance, riot] in prison. Here the service [i.e. escorting a lunatic from Japan to Hong Kong] can’t be rendered till he’s let out.

I had intended having him brought to me by Hodges at 9.30 a.m. to-morrow. Can you let me have a word by 9 sent to the Court? - I’m sending this to Forster on the chance of his being able to discover y[ou]r. whereabouts tonight.

Yours,

R.A.Mowat

26. Mowat to Satow

10/4/97

My dear Satow,

I send the last spare copy that we have of the Orders in Council sent us from home. Any not there, they said, were out of print. I hope you’ll be able similarly to find me a Govt.[?] Tel. Code!

Y[ou]r. official in reply to mine should be dated to-day, as an endorsement has to be made on the warrant of the date of the release and the authority therefor.

I’ve just seen the man : he will, I think, answer Longford’s purpose admirably. It is

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fortunate that Mr. Hodges mentioned to me the state of the man's health – which he did just after you left. No time was then lost in getting hold of [Yokohama General Hospital Director Edwin] Wheeler.

Yrs. Truly,
R.A. Mowat

27. Mowat to Satow

Yok'a.

10/4/97

My dear Satow

When the calendar of prisoners was brought to me this morning, to have the endorsement made on it, I found that Dawson had been sentenced for feloniously receiving. That was the 2nd count in the indictment on which he was tried, and Moss had entered in the criminal notebook (to which I referred before writing you) only the 1st, larceny.

I send you accordingly (1) a despatch to be substituted for the other, (2) your desp[atch]. with (in pencil) the only alteration that has to be made in y[ou]r. draft, & (3) a fair copy for signature – the mistake having been made here.

I shall not apply now to the F.O. for a G.T.C. The answer w[oul]d. obviously be that if we had got along without one for 19 years, we c[oul]d. get on similarly for the next 2. I hadn't, by the way, observed before that we are to expire on coming of age ! on reaching maturity in fact !!

Yours Truly,
R.A. Mowat

28. Mowat to Satow

10/4/97.

Sat'y

11.15 p.m.

My dear Satow,

I've just seen Wheeler, & he informs me that Dawson has been, since his imprisonment, under medical treatment for chronic dysenteric diarrhoēa, and that his health has distinctly deteriorated. Further confinement (he adds) w[oul]d. have a very injurious effect, especially during the approaching hot weather.

Will that do? If so I'll send d[ra]ft. to that effect to-day, & will act as if I had y[ou]r. reply, assenting.

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Yours Truly,

R.A. Mowat

I'm sending this by Moss to the station in case you sh[oul]d. be going up by 11.50 train. If he does not see you, a messenger will take it on to Tokio - & in that case you might wire 'Yes' or 'No'.

29. Mowat to Satow

Yok'a.

13 Apr. '97.

My dear Satow,

The answer which the Home Secretary w[oul]d., I believe, be advised to make to such a letter w[oul]d. be simply to acknowledge it (or cause it to be acknowledged), and say that he would take into consideration the medical and legal opinions referred to, as soon as they reached him.

That is all the answer which I w[oul]d. suggest except for the fact, known to you, of the intended removal of Mrs. Carew to Hong Kong. That circumstance ought, I think, to be communicated to Mr. Swayne[?] in (say) some such form as the following:

"I think it right to add that the Judge of HM's Court for Japan informs me that he proposes shortly to cause Mrs. Carew to be sent to Hong Kong, there to undergo her sentence. Indeed, but for a difficulty in the matter of procuring a female warder to accompany her, she would have been sent on the 10th inst."

I sh[oul]d. not allude to his suggestion about the imprisonment. It ought not to be made at this stage. He is wishing you to act on a presumption that may never be justified.

As to my own answer to yr. despatch, it w[oul]d. simply be that it w[oul]d. be wholly premature to make any observations on the subject till I have the whole case presented to me. That answer, I take it, you don't want; and, if you agree, you might substitute for yr. present despatch one forwarding for my information a copy of Mr. Swayne's letter to you and of yr. reply to it.

Yours Truly,

R.A. Mowat

P.S. I don't think it possible that Mr. S. cd. have had the report of the last days of the trial (it finished Feb. 1st.) when he despatched his telegram of the 2nd March. What stage of the case is meant by "the present time" when he speaks of having "carefully followed the case from the beginning of the inquest up to the present time" !

R.A.M.

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30. Mowat to Satow

Yok'a.

26/4/97

My dear Satow,

I thought it well to add the last para[graph]. to my off[icia]l., in view of the fact that the removal w[oul]d. be telegraphed home to her friends. It might be imagined by them (on the post hoc propter hoc theory) that the removal had some connection with Mr. Swayne's letter.

The draft warrant was ready in the middle of February, and I expected to be back from Nagasaki on the 25th of that month. My break-down there delayed my return just 4 weeks.

Yrs. Truly,

R.A. Mowat

31. Mowat to Satow

Kamakura,

Sunday. [undated]

My dear Satow,

It w[oul]d. be convenient if Wileman cd. come to the Court on Tuesday (the 31st) about 2 o'clock, to take over charge of the a/cs &c. from Bonar. That will be Bonar's last day at the Court, and Wileman can be considered as entering on his duties the following day, even tho' he sh[ou]ld. come definitively a day or two later. I can get along for a bit without him, if he sh[ou]ld. be at all wanted at the Legation.

Yours Truly,

R.A. Mowat

32. Mowat to Satow

Private

Kowakidani [onsen, Hakone area]

Tuesday morning [undated]

Dear Sir Ernest,

Your letter of Saturday unfortunately did not reach me till late last night. Kenny re-posted it immediately on arriving in the office at the morning.

I think it might be better to insert at once in the draft, after the word "are", the words of the despatch, viz. "so far as they w[oul]d. be made applicable to British Subjects."

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That has the advantage of making it clear immediately from what point of view alone the modifications are considered of an unimportant character. The sentence might then end with "Regulations now in force", instead of "Regulations framed" &c.

I return the draft & the despatch to Lowther, which I see Kenny has omitted to docket.

Yours Truly,

R.A. Mowat

I shall go down to Miyanoshita with this & wire to you that the letter is posted, so that you may be able to go on to Chiuzenji & have it sent after you.

I return to Yok'a on Thursday eve[ning].

[End of file. Robert Anderson Mowat retired on a pension on June 18, 1897.]

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

Satow Papers: PRO 30/33 6/6

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan H.S. Wilkinson (Oct 1896-Feb 1900)

1. Satow to Wilkinson

Tokio

27.10.96

Copy

My dear Wilkinson,

Mr. Carew the Sec[retar]y. of the [Yokohama United] Club has died suddenly under very suspicious circ[umstance]s. the nature of w[hi]ch. you will gather fr[om]. the report of the inquest contained in the enclosed newspapers.

It is suggested to me that if the result of the inquest or of a magisterial inquiry sh[ou]ld. be a criminal trial on a capital charge, it w[ou]ld. be most desirable, indeed necessary, that the Crown sh[ou]ld. be represented by learned[?] Counsel. Lowder w[ou]ld. defend, & he will naturally want assistance, who would naturally be Walford. If we send you a retainer can you come over and conduct the prosecution leading Litchfield. I suppose you would have to get leave from Peking to do this. If your ans[wer]. is in the affirmative, I should be much obliged for your telegraphing to me one-word.

On my side I will let you know as soon as possible officially when the trial, if there is to be a trial, will take place, tho' fr[om]. your knowledge of practice you will probably be able to estimate this for yourself.

y.v.t.

E.S.

2. Wilkinson replies to Satow by telegram

Shanghai

Nov. 4. 96 11.46 a/m

Decode

Affirmative answer in reply to your private letter of 27 October.

Wilkinson

3. Wilkinson to Satow

Shanghai

Novr. 13, 1896.

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

My dear Satow,

You have no doubt received my telegram of the 4th, containing an affirmative answer to your enquiry as to whether I would go over if required in the impending trial. I see that the Coroners Jury returned an open verdict but that the accused has been arrested, so that there will be a magisterial inquiry. I shall await instructions from you if there should be a committal for trial. It is a horrible business but one must go through it and do one's duty to the best of one's ability.

Yours very truly,

H.S. Wilkinson

4. Satow to Wilkinson

Copy

Tokio.

19.11.96

My dear Wilkinson,

I send you herewith privately the newspaper report of the preliminary examn. [examination] of Mrs. Carew taken fr[om]. the "Japan Gazette", w[hi]ch. is in all essential particulars identical with the report published in the "Japan Herald". I have not yet seen either Troup or Litchfield since the accused was committed for trial, but I presume that the proper course will be to address you officially requesting you to come over and appear for the Crown with Litchfield. As soon as the date is fixed I will telegraph to you.

y.v.t.

E.S.

5. Wilkinson to Satow (barely legible, checked original at Archives)

Shanghai

Decr. 5. 1896.

My dear Satow,

Many thanks for your letter of the 20th November which reached me late on the morning of the 27th together with a letter from Litchfield suggesting the possibility of his making ready for trial on the 14th instant. Three steamers were leaving the next day and if I had been certain that the 14th would have been fixed, I would have left by one of them for Japan, but the only one taking passengers was the one leaving today, and perusal of the proceedings at the preliminary examination and at the Inquest convinced me that by her I should arrive too late to prepare for the trial.

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There is a great deal to be talked over with Litchfield. As the last of the steamers was leaving I received telegram from Litchfield asking if the fourth January would suit, but fourteenth December better. It was then too late to get off that day and I wired Litchfield saying fourth January would suit, and I feared 14th December would be difficult. As I have not heard since I take it the fourth January will be the time, and I shall leave so as to give myself at least a week or ten days in Yokohama before that date.

Yours very truly

H.S. Wilkinson

6. Wilkinson to Satow

Private

Yokohama.

Jany. 17. 1897.

My dear Satow,

I have been waiting anxiously to know whether any reply has come from the F.O. I hope the lying press telegrams have not had anything to do with the delay.

My opportunity of bringing forward any evidence will close probably tomorrow, and I have had a very anxious conference with Litchfield about the A.L. Price letter.¹ [William Benjamin] Mason, who has been comparing handwriting, says it is a most important link in the chain of evidence, the absence of which will weaken the case for the Crown very materially.

Under these circumstances Litchfield and I, while recognizing the weighty [] to calling you as a witness, have come very reluctantly to the conclusion that we ought not to accept the very serious responsibility of omitting to take your evidence. It goes to a part of the case on which the defence is now laying great stress, and Counsel for the Crown would lay themselves open to a charge of having failed in their duty if they did not bring it forward.

Litchfield is writing to you and asking you to come down tomorrow morning. I hope

¹ The letter was produced as evidence in the court on 20 January 1897. It was critical of the autopsy conducted by J. C. Hall, coroner at the Naval Hospital in Yokohama between 31 October and 6 November 1896. It was a short letter, and A. L. Price turned out to be an imaginary person, the letter having apparently been written by Mrs. Carew. Satow was the addressee. (Nagaoka, vol. 1, p. 217) See Satow's diary for 18 January 1897 (Ruxton, 2003, pp. 153-154) in which Satow mentions going to Yokohama to give evidence about the letter, and *Shades of the Past: Indiscreet Tales of Japan* by H. S. Williams, Tuttle, 1959, pp. 184-199 for a controversial account of the Carew case.

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

it will be convenient for you come. Yours very truly,
H.S. Wilkinson

7. Wilkinson to Satow

Jany 20 1897.

My dear Satow,

Many thanks for your letter of yesterday. The F.O. [?] telegram is satisfactory, though the authorities seem to move slowly. I hope the proposal to the Home Office will be carried into effect. If so, it may get he[re?] in time, as the case will last some time, and the defence may wish to have her called for Cross Examination. In the meantime, her evidence at the Preliminary Examination will be read, as she is far too ill to move out at present, and I close my case tomorrow. [John Frederic] Lowder will ask for a day and then he will open his case, which will last some time.

Yours sincerely,
H.S. Wilkinson

8. Wilkinson to Satow (p. 11 in original file)

Yokohama.

Jany. 23. 1897.

My dear Satow,

Many thanks for your note just received.

As events have turned out, Miss Jacob's evidence taken at the preliminary examination has been read. This became possible in consequence of her illness, concerning which you will see the evidence of the doctors taken on Tuesday, Wednesday and Thursday. If she had not taken ill, and had been brought up as a witness she would probably have been advised to decline giving evidence on the ground that it might be used against her. If she had done so, such answers as she might have been compelled to give would carry but little weight, and it was to guard against this, and because I believed her entirely innocent, that I made the recommendation I did. I am prepared at any time to justify the recommendation, and the reply you have received shows that the situation has not been fully appreciated at home. The Act referred to – 16 Vict. Corp. 30 Section 9 – is to make a prisoner in custody on a criminal charge to be brought up on a habeas corpus to give evidence. That was not the difficulty I had to encounter. The difficulty was that the Counsel for Mrs. Carew by his making the charge against Miss Jacob, and the Magistrate by inconsiderately entertaining it and remanding the prisoner practically indefinitely, had blown upon her as a witness to such a serious

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extent as to deprive her evidence of all weight. It is true it ought not in theory to do so, but that was undoubtedly the effect intended to be created and if Miss Jacob had not fallen ill would have been created. If we had not reached the point of her evidence having been put in, I should ask you to give further explanation by telegraph, but as matters stand, it is not necessary.

I have only to thank you for the readiness with which you acted on my suggestion.

The F.O. and Home Office might like to know what has been done in which case a telegram to this effect would put them in possession of all the essential facts:

Jacob having become too ill to travel her depositions have been read under rule corresponding to Act 11 Vict. Corp. 42 Section 17.

Yours Sincerely,
H.S. Wilkinson

9. Wilkinson to Satow

Private

Feby 3. 1897.

My dear Satow,

I went out to see Mowat early this morning, and he at once fell in with the suggestion that he should send up Wileman to you at once with the original minutes and notes of evidence, and he is now writing to you, saying that he is doing so. Wileman will take up the letter and the originals during the day.

In thinking over the draft, it occurred to me that it would be an improvement to substitute for the words "who was undergoing her trial", something like this: "whose trial had been proceeding for some days before, and was about to be brought to a conclusion" – at the time of the issue of Hall's proclamation. But you will see better with the whole draft before you.

Instead of "until other arrangements shall be made" might be substituted: "until her removal to some other prison", and at the end of all might be the following: "And I further direct that the punishment hereby directed to be inflicted shall be carried into effect in accordance with and subject to the regulations ~~for the time being~~ in force in the prison wherein she [or the said Edith May Hallowell Carew] shall be confined for the time being.

This is to get over a difficulty which once occurred in the case of a man tried by Rennie in Canton and sent by him to Hongkong, as to whom doubts arose as to whether he was or was not entitled to remission or other benefits prescribed by the Hongkong Prison Regulations for good conduct.

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Yours Sincerely,
H.S. Wilkinson

10. Wilkinson to Satow

Kobe,

Feby. 7. 1897.

My dear Satow,

I enclose herewith my memo giving the reasons of my recommendation that a pardon should be granted to Mary Jacob. I hope they will commend themselves to the home authorities.

I also return the draft of your despatch on the subject.

I was very sorry to miss you when I went up to Tôkiô on Thursday. The "Coptic" turned up before I expected her and I had to take any train I could catch without writing to let you know I was coming.

Will you allow me to say that to me one very pleasant feature of a very unpleasant case was the readiness with which you were good enough to act upon my advice or recommendation I was able to offer you.

Yours very sincerely,

H.S. Wilkinson

P.S. We leave this evening at 6 o'clock. The detention has been due to a strong wind which has interfered with the discharge of cargo.

11. Wilkinson to Satow

Shanghai.

Feby. 23. 1897.

My dear Satow,

I received your telegram late last night asking me if I could go as Acting Judge and saying there is some unfinished lunacy work at Nagasaki. I have just replied to the effect that I cannot get away on account of the illness of my son, but I should hope to be able to leave on the 6th of March, that I feared, however, I could not go beyond Nagasaki. Mowat speaks of two months leave of absence, so that when the Nagasaki business is over there would not be a long time to run before we would be back at work, and I should spend a good deal of the time in travelling. I am sorry to say that my son is in bed with fever, which the Doctors may prove to be typhoid. I am therefore very much handicapped in all my work here, but I am prepared to drop it to meet the emergency at Nagasaki. I fancy there is really nothing else that is urgent, and it is desirable that I

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should be back here

Excuse a hasty letter, I must stop to catch the steamer.

Yours sincerely,

H.S. Wilkinson

12. Wilkinson to Satow

[Ans. 10 Mar.]

Shanghai

March 5. 1897.

My dear Satow,

I have arranged to leave on Saturday for Nagasaki. I am taking a man with me to act as temporary clerk to Longford.

My son, I am sorry to say, is still confined to the house. The Doctor does not quite know what sort of fever it is. It has not developed into typhoid, but he says my son must keep at home for a fortnight or so more. I propose to put matters in training and then come back here, and go over again to do what may be necessary. I hope my son by that time will be able to attend to matters here.

Mowat is very much pulled down, and very nervous about himself, and I hope for his sake and for the sake of others, he will be allowed to retire.

Wheeler, I think, was quite right in trying to make Mowat think light of his ailments, and urging him not to worry himself over the Carew case, but it was no use. He is entirely upset, and if not allowed to retire he will not be fit to do anything, and that he feels strongly himself.

Yours sincerely,

H.S. Wilkinson

13. Wilkinson to Satow (p. 22 in original file)

Private

[Ans. 10 March]

Private

Shanghai

March 5. 1897.

My dear Satow,

Mowat asks me to tell you that he is writing by this mail to the F.O., asking to be allowed to retire on a pension on the ground of ill-health. He would write to you himself, but he is still so seedy that it is as much as he can do to get off his despatch.

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He arrived here on Monday looking very ill and feeble. He had fever, and the Doctor at once ordered him to bed. He was able to be up yesterday, and I have no doubt, complete rest and freedom from work, and freedom from the apprehension of resuming work, which his retirement will give him, will set him up again.

He is of opinion, and I agree with him, that considerations of health and a regard for the public service, both, render his retirement necessary. If he comes back to Japan he will come back with a dread of his health being ruined. And if he is not now allowed to retire, it will mean his going home on leave (a short time after his return from leave) probably getting his leave extended, and then coming out merely to go home again.

I don't think that that would be fair either to him or to others. If I were asked to remain acting during his absence I should certainly do my best to make arrangements to that end. But even to get away for the short time now contemplated I have had to hand over to other lawyers work which I had undertaken to do. It would not have been so bad if my son had not been laid up. But in any case I feel it would not be fair to me, at my time of life, to make me Acting Judge for a year and a half or two years and then throw me back without the benefit in the way of pension which such service would bring me if I had the substantive appointment.

Hannen quite concurs in these views, and is writing home urging them on the F.O. He considers – and there will be few I think to contest it – that I have the prior claim to the post, if it becomes vacant, and he also considers that it would not be right that I should be made use of merely as a stop-gap.

If these views commend themselves to you, I shall be very glad if you will kindly add the weight of your authority in support of them, and write to the Secretary of State on the subject. While I feel that my claims to the post are very strong, I know how liable one is to be over-looked in public departments when arrangements are being made, and it is no use crying out after they are settled.

Yours sincerely

H.S. Wilkinson

14. Wilkinson to Satow (p. 24 in original file)

Nagasaki,

March 8. 1897.

My dear Satow,

You will have received the letter I sent you by the French Mail, telling you of Mowat having sent in his application for retirement, and asking you kindly to get the reversion of the post for me.

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He adheres to his intention of coming over by the Empress, but he does not intend to take up any serious work, and it would not be wise for him to do so.

I am sorry to say, my son is still laid up, and I must get back to Shanghai as soon as I can. I shall probably have all put in training here to get away by the N.Y.K. boat next Sunday, and after Longford has got through some of the work to be assigned to him, I would come back here, and finish up. I hope there is nothing pressing at Yokohama.

I hope the F.O. and Treasury will face the position properly, and give Mowat his retirement and fill up his post at once, and I hope it will be given to me. I should feel much aggrieved if I were asked to keep on acting after the chance of Mowat's return to work is over, merely for the purpose of making a saving for HM's Govt. But although I know the Treasury is economical, I hope they will not prove mean, and that I may get the substantive appointment – which I need to give me an adequate pension.

Yours sincerely,

H.S. Wilkinson

15. Satow to Wilkinson (p. 26 in original file)

Copy

Tokio

10.3.97

My dear Wilkinson,

I am very sorry to hear that Mowat's health renders it necessary for him to ask permission to retire, & particularly that people sh[ou]ld. get hold of the idea that the Carew trial has had this effect on him. I sh[ou]ld. be glad if I were authorized by Mowat to contradict this report, & to say that his health was such as to necessitate his asking for a long leave of absence before the trial began.

As regards yourself I will write home privately & back up your claims with all my power. I hope that you will in any case be able to come over to act as Judge at Yokohama in the meanwhile, for it is not possible I think that Troup sh[ou]ld. continue to carry on the Court work very long without assistance. He is no lawyer, I believe, & is in fact quite conscious of his want of legal requirements; while betw[een]. you & myself I think that he too is in a nervous condition that might end up in a breakdown if too much responsibility were thrown on his shoulders. The Jacob case affected him profoundly, especially his allowing himself to be talked into issuing the [arrest] warrant, & the unfortunate blunder by w[hi]ch. the box of papers came into Lowder's hands. A no. [number] of Br[itish] residents have addressed me a most inconvenient memorial on the subject, for w[hi]ch. they are now very sorry, but they cannot easily withdraw it, &

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how to undo what they have done is exercising all their ingenuity. Troup of course knows of the letter, & tho' he can make some sort of a defence I am sure he feels it inadequate. Under the circ[umstance]s. it would be extremely inconvenient to app[oin]t. him acting Judge. It w[ou]ld. be an app[oin]tm[en]t. that the Br. RR [British Residents] in Yoko[hama] might even raise objections to, if it were made before their memorial is disposed of. I sincerely hope therefore that you will be able to accept the Acting Judgeship vice Mowat, as soon as he leaves for home, or even before.

y.s.

E.S.

16. Wilkinson to Satow (p.28 in original file)

[ans. 17/3/97]

Nagasaki,

March 13. 1897.

My dear Satow,

I hope the accompanying despatch about my fees will meet your views. The reference direct to the Treasury ought to lead to the question being decided on a proper basis, with which I am more concerned than the amount it may bring me, and it will save any possible discussion with the Chief Clerk's Department, which would be very distasteful to me.

I have carried the Lunacy case so far on as it can be taken for the moment, and I propose to return tomorrow to Shanghai. I am leaving matters in train, so that Mowat may, if he is at all fit to attend to business, carry it on another stage when passing through. If he is not, I shall come back again, and take that stage myself, but I should prefer to have a longer time in Shanghai before leaving it again, as my absence and my son's continued illness has brought my work there to a standstill. I have heard from him twice by wire since I arrived saying he is slightly better. So I feel somewhat relieved on his account.

Yours very Truly,

H.S. Wilkinson

17. Wilkinson to Satow

Shanghai.

March 20. 1897.

My dear Satow,

Many thanks for your letter of the 20th. Mowat returns by the Empress of Japan. He is

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much better than he was, and I hope he won't find it too much to look after current work. He was ailing before the Carew case came on. It no doubt very much aggravated his illness, and the lunacy case upset him altogether. His doctor here still counsels his retirement, and he feels himself that it is the right thing. I hope the people at home will see it in the same light, and that I shall have the pleasure of going over to succeed him.

I am sorry to hear to hear [written twice] of the memorial. I hope it may be shelved. I think Troup made a mistake, but he must have been worried enough about it already.

Yours sincerely,

H.S. Wilkinson

18. Wilkinson to Satow

Shanghai.

April 23. 1897.

My dear Satow,

The time for your departure ² is now approaching, and you may wish before you go to make, as far as possible, definite arrangements for the performance of the duties of Judge when Mowat leaves. I understand from him that, whether he is given his retirement or not, he will go home in June.

If he gets his retirement, and I am appointed to succeed him things will be very simple. (But one has to face the contingency of only the acting appointment being available, and I have come to the conclusion that on the whole I ought to accept it. I am making preparations quietly so as to be ready to go over to Yokohama about the beginning of June if I am still wanted. My son, who has just returned from Kioto, is much better, and I hope he will now be able to carry on.

It is possible that the F.O. may find a difficulty in filling up Mowat's post at once, as the question of the separation of the offices of Chief Justice and Consul General is again under consideration.

Wishing you a pleasant journey home and a pleasant stay there.

Yours sincerely,

H.S. Wilkinson

19. Satow answers Wilkinson (written as a draft/copy on the same letter)

Apr. 30/97

My dear Wilkinson,

² Satow left Japan on 7 May 1897 to return to England where he attended Queen Victoria's Diamond Jubilee. He returned to Japan on November 21st. (Satow's diary, Ruxton, 2003).

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Mowat has not spoken to me any more ab[ou]t his retirement, and I have rec[eive]d. nothing official from him ab[ou]t his going on leave. So all I can do is to mention the matter to Lowther before I go. I am very glad however to know that you are disposed to accept the acting app[oin]tm[en]t sh[ou]ld. that alone be available.

I sail by the "Empress of India" May 7 and expect to get to England June 3. Au revoir next year.

Yours sincerely

E.S.

20. Wilkinson to Satow

Yokohama,

Jany. 4. 1898.

My dear Satow,

I return herewith the draft circular to the Consuls.

Instead of marking my suggestions on the draft I have embodied them in a new draft, which I enclose, and in which I have copied all your draft except such parts as I would suggest might be omitted, or as to which I considered the draft cannot at the moment be definitely settled.

I have omitted the special reference to Italy. It is not a matter of much importance, but it appears to me that the reference to Western Countries generally is enough, especially when accentuated by the instances which follow.

I have also omitted the reference to the owning of land and publication of newspapers. The subjects would require some elaboration to prevent misunderstanding.

I have left blank the reference in the part relative to shipping and seamen to a Consular Convention. I am of opinion that we are entitled to all the benefits of other Consular Conventions under Article XVI of the Treaty.³ But as we are negotiating a Consular Convention it appears to me better to leave the instructions open till it is concluded. By the way, I think in that Convention we ought to insist on having all the privileges that may be given to any other state. We are, in my opinion, as I have said,

³ The Anglo-Japanese Treaty of Commerce and Navigation, signed in London by Lord Kimberley and Aoki Shūzō on 16 July 1894, and ratified at Tokyo on August 25th. It comprised 22 articles and signaled the ending of the unequal treaties and extraterritoriality with effect (in Britain's case, with most other countries following suit) from 17 July 1899. Article XVI of the Treaty concerned the appointment of Consuls etc. and read in part: "The Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions and immunities which are, or may hereafter be, granted to Consular officers of the most-favoured nation."

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fully entitled to them under Article XVI.

I have omitted the suggestion that the local authorities may be willing to confine a seaman condemned to imprisonment by a Naval Court or a recaptured deserter until his ship goes. I think the Board of Trade, when the instructions are placed before them for approval, may expect to be told what provision has been made by Japanese Law for such cases. So far as I know, what is suggested in your draft as to imprisonment of seamen could not be done in England under our law as it stands as present. That is to say, the provision made by the law of England does not cover the case of the sentence of a Naval Court of any other power or the imprisonment of deserters from Foreign Merchant ships. It provides for their capture and their delivery up to the Master &c. but not imprisonment while the ship is in port. I hope it would be illegal in Japan to imprison any man at the request of a Consul where no provision is made for such imprisonment by Japanese statute law, and if so it would not be right to suggest to our Consuls that they should ask the local authorities to do an illegal act. I quite agree that it is desirable that provision should be made for imprisoning deserters while their ship remains in port. It would add enormously to the power of the Consul to preserve discipline and to the prevention of crimping.⁴ It occurs to me that the Japanese Government might be induced to pass a law similar to the Indian law on the subject as given in Hertslet's Treaties Vol. XIX p. 670, of which I enclose a copy for convenience of reference. [margin note – in Satow's handwriting? "Art XVI of Germ[an]. Cons[ular]. Conv[entio]n Suggested we might make a similar agree[men]t. But it wasn't heeded. (arrest & imprisonment of seamen a request in writing fr[om]. the Consul.")]

You will see that the Foreign Deserters Act 1852 is there referred to. A copy of the Act is given in Hertslet, vol. 9 p. 347, and you will find it is in substance reënacted in section 238 of the Merchant Shipping Act 1894, of which there is a copy in the Memorandum on that Act which I sent you a few days ago. The operation of the Indian Act is limited to the cases which have been brought within the scope of the English Act, but it provides the addition of imprisonment, which is not allowed by the English Act or not contemplated by it. I think the provisions of the English Act are very reasonable including the limitation of one month.

Whether the next limitation of 12 weeks is not too long in the present day may be a matter for consideration. But it is to be observed that that is the maximum term given by the Merchant Shipping Act for desertion.

With such a law and with the power conferred by the Consular Conventions on the

⁴ Crimping: conscripting men as sailors by coercive techniques such as trickery, intimidation or violence

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Consuls to be Judges and Arbitrators in differences between Masters and Seamen a Consul might practically retain the jurisdiction he now has under the Orders in Council in such matters, were it not for the provision in our proposed Convention (whether it is in others I don't know) that an exception is to be made in cases where the assistance of the local authorities is required to carry the decisions into execution. In such cases the Consul would appear not to be able to give any decision. He could give no decision as a Judge involving imprisonment in a Japanese jail. He might however be instructed not to make any request for the imprisonment of a man until he had the man before him, and held an inquiry, not on oath, and perhaps not in public, but in all other respects as he would hold a judicial inquiry at present.

Until the fate of the Consular Convention is decided, and until it is known what provision the Japanese will make as to deserters I think the instructions with regard to deserters and discipline cannot be completed.

There is another reason why it is desirable to ascertain what the Japanese propose to do. Until an Order in Council is made no facilities can legally be given in the British dominions for the arrest of Japanese deserters, and the making of the O. in C. is made to depend on it appearing to Her Majesty [Queen Victoria] that due facilities are or will be given by the Government of Japan in the matter.

With regard to the disposal of civil and criminal cases pending when the Treaty comes into force I have said that separate instructions will be issued. It would be premature, I think, to attempt to issue or even frame instructions until the result of the present negotiations for a convention or protocol are concluded. These, it is to be hoped, will not occupy long. [i.e. take a long time] What you tell me about the view held at the Japanese F.O. makes it all the more desirable not to be precipitate. I have already referred to the subject of uncompleted sentences in my letter of a few days ago.

I have altered the paragraph in which the rights of a British subject arrested on a criminal charge are limited to those which are allowed by Japanese law to a Japanese prisoner. This might, I think, lead to misapprehension.

The case of the Japanese kept eighteen months waiting trial might be cited as justifying similar treatment in the case of a British subject. I know that is not what is meant by the instruction, but no Consul should be allowed to fall into the mistake of putting that construction on it.

In the draft herewith I have dealt with the following subjects:

Land Registers,
Registers of Mortgages,
Registers of Bills of Sale,

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Transmission of Petitions to Japanese Courts &c.
Registration of British subjects and Passports,
Care of Property of Deceased British subjects,
Consular Privileges and Immunities.

The point about Mortgages and Bills of Sale, which is quite distinct from any instructions to be given in the Circular, and which I referred to in my note of yesterday is shortly this – Will the Japanese Authorities recognise mortgages registered at the British Consulates under the Order in Council, and which it has not been necessary hitherto to have registered in the Japanese Registers? A similar question arises with regard to Bills of Sale. [Margin: ?]

The question is analogous to the question which arises as to non-executed judgments of British Courts – that is judgments unsatisfied at the time of coming into force of the new Treaty or judgments which may be rendered afterwards in cases then pending.

In my suggestion as to the issue of a separate circular forwarding to the Consuls copies of the Treaties I omitted to mention Gubbins's Memorandum as to the differences between our Treaty and the Treaties since concluded with other powers. This Memorandum ought I think to be sent with the Treaties, and I think it might with advantage be supplemented with particulars of the Consular Conventions mentioned in it as having been concluded. [Margin: 'inserted in draft']

The circular might be such as not to commit H.M.'s Govt., for instance, as to whether any particular advantage stipulated for in other Treaties becomes ours or not under our favoured nation clauses. [Margin: Art. XV. 'grant?'] This subject, I am of opinion, will have to be grappled with, but of course H.M.'s Govt. ought not to be committed except after reference to them. The circular might however point out to the Consuls the necessity of their making themselves thoroughly acquainted with our own Treaty and the parts in which other Treaties differ from it.

Yours very truly,
H.S. Wilkinson

21. Wilkinson to Satow (p. 40 in original file)

Jany. 21. 1898.

My dear Satow,

I enclose copy of a query which I have received from the F.O. about Chalmers's travelling expenses.

It appears that Troup wrote to you, while Mowat was away, asking for your sanction, and sending vouchers for [your] inspection. On Mowat's return, Chalmers tells me, that

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despatch and your despatch in reply approving the expenditure were cancelled, Mowat, no doubt, intending to ask the Secy. of State's sanction, but this was overlooked, and the accounts were sent home without note or comment, with the result that here is a query from the Comptroller.

I would suggest that Troup should send you a duplicate of his despatch and you should send him or me a duplicate of your reply, which I shall forward with my answer to the Query. Troup has acted on this suggestion so far as to sign a duplicate of his despatch, and I enclose the same herewith. Should you prefer it, however, I shall of course write you officially sending you a copy of the query.

Yours very truly,
H.S. Wilkinson

P.S. The advantage of my suggestion is that your original sanction was given on view of the vouchers, which had been sent home, and cannot again be shown to you.

Note in Satow's handwriting below letter.

ans. quoting Mowat's private letter of April 6/97 ⁵ adding: "In the face of this we cancelled the corresp[onden]ce. The question is was Mowat right or wrong, and it is for you to decide. If you still wish it we will send you a duplicate desp[atch].
y. v. t. E.S."

22. Wilkinson to Satow

Jany. 21. 1898.

My dear Satow,

I enclose an extract from the "Law of Acquisition of Property", which is stated to have been promulgated, but appears to be a portion of the Civil Code described in the "Mail" [Japan Mail] as not having been "fully promulgated." From the extract I take the order of succession to be:

- (1) Legitimate male children
- (2) Illegitimate and natural male children,
- (3) Legitimate female children,
- (4) Illegitimate and natural female children,

as among the members of each group, the eldest taking the inheritance.

Another part of the Civil Code not fully promulgated is the Book on the Law of Persons, stated in an official translation to have been promulgated on the 7th day of the 10th

⁵ Letter no. 22 in PRO 30/33 6/5 above.

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month of the 23rd year of Meiji.

In this there is a whole lot of provisions dealing with the status and rights of legitimate, illegitimate and natural children, and the relations of the two latter to their father's wife (tekibo).

I enclose "The Japanese Bride" for writing which the author Naomi Tamura was excommunicated by the General Assembly of the Presbyterian Church in Japan. ⁶

Yours very truly

H.S. Wilkinson

Civil Code
of
Japan

Book
on the
Law of Acquisition
of
Property
Articles 286-435

Promulgated on the 7th day of the
10th month of the 23rd
Year of Meiji.

Official Translation

Tokio
24th day, 6th month, 25th year
of Meiji
(1892)

Article 286.

Successions are of two kinds: successions to katoku (headship of a house), and

⁶ See Emily Anderson, 'Tamura Naomi's "The Japanese Bride": Christianity, Nationalism, and Family in Meiji Japan' in *Japanese Journal of Religious Studies* Vol. 34, No. 1, Christians in Japan (2007), pp. 203-228 (Nanzan Institute for Religion and Culture).

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successions to isan (inheritance)

295.

The rank of the person who is to be an heir to katoku by law is determined as follows:-

1. Any person most proximate in the degree of consanguinity amongst the descendants who are the members of the ancestors' family;
2. The male, where there are male and female of the same degree of consanguinity amongst the descendants;
3. The male born most early, where there are several males; but the legitimate child, where there are legitimate and illegitimate or natural children;
4. The female born most early, where there are several females only; but the legitimate child, when there are legitimate and illegitimate or natural children.

Nevertheless, where, in case the person who is to be an heir to katoku in conformity with the above provisions is dead before the ancestor or is deprived of the succession by the causes in Article 297 mentioned, such person has the descendants, one of them becomes an heir to katoku according to the legal rank.

314.

Where the descendants succeed to the isan, the provisions of Article 295 are applicable.

23. Wilkinson to Satow

Kamakura

Jany. 24/98.

My dear Satow,

I believe Mowat was correct as to the practice about sanction, but then he ought to have asked the Secy. of State's sanction and not having done so, the Comptroller & Auditor Gen[era]l. when the item went before him asked for your sanction, and the Chief Clerk sent on the Query. Under these circumstances the shortest and best way is, I think, to send home a duplicate of your despatch giving the sanction. If you had not written the despatch I would now, in view of the C. & A. Genl's query and the Chief Clerk's request, write officially and ask your sanction to the item. Because, even if Lord Salisbury is the proper person to apply to, he is entitled on any occasion to have the benefit of your opinion as to whether certain expenditure has been rightly and properly incurred and whether the charges are just and reasonable, and it might create misapprehension if there were any demur[?] to carrying out the C & A G's requisition.

If the query had originated with the Chief Clerk, I believe he would have requested

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[] he did about an item for passage money for M[] in a previous master's account, - to ask Ld. Salisbury's sanction. Mowat had omitted to do that also. It is a good thing for us to do what we are asked to do [] principle involved, and I feel that I ought to get your sanction in this case.

Many thanks, all the same, for having called my attention to Mowat's note to you.

Yours very truly,

H.S. Wilkinson

24. Wilkinson to Satow (p.48 in original)

Private

Yokohama,

March 16. 1898.

My dear Satow,

The Notification you sent me was published in Hertslet's Treaties (vol. X p. 71). I shall write more fully on the subject, but I may at once say that I do not consider that it applies to the case in hand. It would assist me in stating my reasons if I knew exactly what the "provision" is "which has a validity equal to that of law, and has been in force for a period of fourteen years" under which the Governor of Hiogo is restricting the term of leases[?], and whether it applies as between Japanese and Japanese.

I keep the two documents until I write my notes on them.

Yours very truly,

H.S. Wilkinson

25. Wilkinson to Satow

March 21. 1898.

My dear Satow,

In the translation of Nishi's note ⁷ occurs the following: "I may, I think, consider that the opinion delivered by a British judicial officer in 1856 &cc."

If the word here translated judicial is intended to have that meaning in its strict sense, then Nishi has fallen into a mistake as to the character of the office of the Attorney General and Solicitor General, but it occurs to me that the word may possibly not have that strict meaning, but may be capable of being translated "law" or "legal" – so that the words might read "law officers," and not necessarily "judicial officers." It is a small point perhaps, but it is worth looking up.

⁷ Nishi Tokujirō 西 徳二郎 (1847-1912) was Foreign Minister, 6 November 1897- 30 June 1898.

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

Yours very truly

H.S. Wilkinson

[Satow's writing: "Ans[were]d. it was 法官= Law Officers in the original.]

26. Wilkinson to Satow

Yokohama,

March 31. 1898.

My dear Satow,

I send herewith the volume of Statutes containing the Colonial Prisoners' Removal Act 1884 (at page 50).

I ought to have known of this Act especially in view of sec. 15, which makes provision for the direct application of the Act by Order in Council to exterritorial countries. Mrs. Carew's case is brought under the operation of the Act by the fact of her undergoing a sentence in a British possession and the offence having been committed beyond the limits of the possession Sec 2(c.)

Sec. 5 shows that the transfer must have been made by a Secretary of State with the concurrence of the Hongkong Government.

You will see that by sec. 8(1) that remission of sentence may be made as if there had been no removal. Yours very truly

H.S. Wilkinson

27. Wilkinson to Satow

Yokohama,

April 7. 1898

My dear Satow,

I enclose herewith my notes as to the applicability or non-applicability of the doctrine of the lex situs [the law of the place in which property is situated for the purposes of conflict of laws] to the Kobe Hill Lot question. It is disgusting to have to deal with arguments that would disgrace a pettifogging attorney.

I return the papers you sent me. I am going up to Miyanoshita this evening or tomorrow morning but I shall be back at latest on Sunday morning.

Yours very truly,

H.S. Wilkinson

P.S. I send Mahan's "Interest of America in Sea Power".⁸

⁸ Alfred Thayer Mahan (1840-1914), US Navy officer and naval strategist.

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28. Wilkinson to Satow

Confidential

Yokohama,

April 14. 1898.

My dear Satow,

Under sec. 18 of the C. & J. O. in C. [China and Japan Order in Council] 1874 you have power to appoint a surveyor to any port in Japan. I understand from Forster that the only ports at which Govt. Surveyors have been appointed are Yokohama and Nagasaki, and the Surveyor at Nagasaki was appointed more with a view to the survey of ships intended to carry emigrants than for purposes of registration. It does not appear to me that a sufficiently strong case is made out for the appointment of a surveyor at Hakodate, and the appointment of the Constable as surveyor is a course not to be recommended unless a strong case is made out for it. There is another consideration. The only vessel proposed to be registered is intended to be engaged in sealing.

It may be quite right if it is shown that the vessel is wholly owned by British subjects that she should receive such protection as the law at the time being affords, but any exceptional measures taken to facilitate a vessel being registered so as to engage in that trade might be misconstrued and give rise to difficulties hereafter if she was found to be breaking the rules agreed to by us. I think Layard might be asked whether a provisional certificate under sec. 22 of the Merchant Shipping Act, 1894, would not be sufficient to answer all practical purposes. A certificate granted under that section would be one granted in the usual course, and, if proper care is taken, ought not to give rise to any complaint such as the creation of a special machinery for the benefit of that particular vessel might give rise to.

Yours very truly,

H.S. Wilkinson

P.S. I return Layard's note. Lloyds surveyors and Govt surveyors are quite different. Layard's uncle was probably Lloyds Agent see Genl. Consular Instructions Chapter XXIII

29. Wilkinson to Satow

Yokohama,

May 10. 1898.

My dear Satow,

Yes. I also am of opinion that the interpretation of Article XVIII, as regards Consuls, is that they are to cease to exercise any functions relating to land (except such functions

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(if any) as a Consul may exercise generally on behalf of his nationals in any country). Thus, I take it, a Consul will no longer register new title deeds, transfers of land or mortgages, and a British subject will in these matters go direct to the Japanese authorities concerned.

This would dispose of Fees 81 A to 81 H.

As to fee 81 I, so far as regards mortgages made while the Orders in Council relating thereto remain in force, the rights of parties will depend on the entries made in the Registers of Mortgages kept by the Consuls, and a reference to such registers will from time to time be required.

There appears to be no provision for handing over these registers to the Japanese authorities, and it would be quite in order that there should be a Consular fee for inspection, but as all the other land fees would be abolished, I would suggest that fee 81 I, if retained, might omit any special reference to land, and read, say, "For reference to any register other than those referred to in Nos. 8 and 68"

Your suggestion as to the abolition of the special \$2 fee for a passport application seems a very proper one.

Yours very truly

H.S. Wilkinson

30. Wilkinson to Satow

Yokohama,

June 7. 1898.

My dear Satow,

The vacation, which begins on the 18th of July, ends on the 17th of September, and if you see your way to letting me have another registrar by that time, I think it would be quite right that Chalmers should have his leave from the 29th July, as he asks. It would be a pity to keep him and his wife here through the summer, if he can be spared, and, as one man can do the work of the registry during the vacation, and as Moss is willing to forego his share of the holidays, we can carry on till the Court resumes full work.

I quite appreciate your difficulty as to giving leave and at the same time keeping the service efficient. Yours very truly

H.S. Wilkinson

31. Wilkinson to Satow

Private

Yokohama,

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

July 27. 1898.

My dear Satow,

I have your despatch about Chalmers and Parlett. I quite understand about Parlett not taking up the duties of the [Acting Registrar] post at once. I came down from Hakone on Sunday to meet Bourne who has been appointed Consul and Assistant Judge at Shanghai, and who passed through on his way to Shanghai in the Empress on Monday, and I am staying down to meet my son and his family who arrive tomorrow. I propose to take them up to Hakone on the 29th. My son [Hiram Parkes Wilkinson, 1866-1935] will of course call on you if time will allow after his arrival tomorrow.

The weather at Hakone was all that could be desired, and I shall be glad to be back to it.

I am glad the F.O. concur with you about the Kobe Hill Lots. ⁹

Yours very truly

H.S. Wilkinson

32. Wilkinson to Satow

Hakone,

Sep. 1. 1898.

7 a.m.

⁹ The issue was the length of the leases which were restricted to 25 years. Satow mentioned the Kobe Hill Lots in his diary on the following dates: 1896: April 2, 9, 16, 22 ; May 4, 7, 8. 1898: February 7, 17; March 3, 11, 28; April 19; May 26; July 27; August 16; September 22; November 2, 10, 24; 1899 November 14.

See especially 3 March 1898:

“Went to [foreign minister] Nishi [Tokujirō]. Asked him about Kōbe hill lots leases limit. He said they had made inquiry of the Government but thought there would be no objection to fixing a limit of time for leases under the new Treaty as in the case of certain Legations ! I rejoined that under the new Treaties foreigners would have the same rights as the law gave to Japanese and hence no need for fixing a limit. As to Kōbe I would wait till he got his information, but hoped he would eventually see that the Governor ought not to have fixed a limit on his own account when the agreement between the Japanese Government and foreign ministers left everything to be arranged between the owner and the lessee. He talked about ‘usage’ and was evidently quite in the dark, so I told him Itō and I were the only people in Japan who really understood the question, having been present when it was arranged.” (Ruxton, 2003, p. 248)

See also Gubbins to Satow, 31 March 1896 (PRO 30/33 5/4, Volume One p. 73) and PRO 30/33 5/8 (Letters from the Kobe consulate) in Volume One, pp. 372 et seq.

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My dear Satow,

I had intended returning to Yokohama today, but my departure is put off till tomorrow. My son and his family are going down with me. They go on to Shanghai on Monday. I shall take down the papers with me, and have them sent on to you by messenger on Saturday. This is a day later than you expected to have them, and I have not had an opportunity of sending them safely before. I am of opinion the gentleman referred to has all the rights he asks for, but you will see my memo and judge of the force of the arguments in his favour.

Yours very truly,

H.S. Wilkinson

33. Wilkinson to Satow

Yokohama,

Sep. 4. 1898.

My dear Satow,

I return all the papers herewith, together with my Memorandum thereon. I have not in the memo referred to your draft. I am glad it had not been sent off, so that whether you concur in my conclusions or not you will have the opportunity before writing of considering the arguments. As you will see, I have a very strong opinion against any distinction being made, and a very strong opinion that no distinction has been made between British Subjects in India and the Colonies and other British subjects. I think you were very wise not to ask the Japanese Govt. for their views on the subject.

I am sorry to see that the correspondence with Freshfield [solicitors] & Williams has been published. But fortunately it has not committed H.M.'s Govt. The F.O. letter to Redferns [solicitors] is a much more serious statement of opinion, and I hope it has not come to the knowledge of the Jap[ane]se Govt.

Yours very truly

H.S. Wilkinson

P.S. Moss takes this up.

34. Wilkinson to Satow

Hakone,

Sep. 10. 1898.

My dear Satow,

I have your note enclosing the Harbour Regulations for the Open Ports. I shall draft a Regulation for your approval and signature.

I take it that it is not intended that any penalties shall be increased by the

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

Commanders of H.M. ships. Art. 23 says that only Arts. 4, 6, 12 & 21, & the first and second paragraphs of Art. 13 are to apply to men-of-war. Art. 18, which contains the penalties, is not included. This is so far well. But – Art. 4 says that the Harbour Master will assign a berth to every ship on entering the harbour “which berth it must not leave without special permission, unless forced to do so.”

This probably means that the ship is not to leave for the purpose of taking up another berth without special permission. But this might have been made clearer. Of course there can be no consent to any instruction on HM’s ships leaving the harbour at any time.

Art. 12 says (end of first paragraph) “Such vessel must undergo inspection by the proper sanitary authorities.”

This regulation, if applied stupidly in the case of one of H.M.’s ships might lead to complications.

As, however, the Regulations have received the approval of H.M.G., I presume these points have been looked to.

I see that a Notification has been issued by the German authorities, and I shall have a look at that.

It is not necessary that you should write me officially, and my recollection, so far as it serves me, is that it is not usual in the case of drafting Regulations.

Yours very truly

H.S. Wilkinson

35. Wilkinson to Satow

Hakone,

Sep. 17. 1898.

My dear Satow,

I enclose draft of a Regulation for the enforcement of the Harbour Regulations.

I think it best that you should name the penalty for the breach of the Regulations, and as the maximum limit in draft regulation is the same as in the Regulations themselves, no one can cavil. It is not usual for us to name a maximum limit, but I think that we ought not to object.

I have avoided all reference to men-of-war [warships], and I think it is better so. Commanders of men-of-war are British subjects, and might be made liable to a penalty under your Regulation although not intended to be liable under the Harbour Regulations. I have therefore limited the penalty to the infringements of the Harbour Regulations for which penalties are prescribed by the Harbour Regulations.

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The words “subject to the provisions of the said Order in Council” in paragraph 2 are inserted in view of Section 17 of the O. in C. 1881. One might have said “subject to the provisions of the said Order in Council”, but it does not seem[?] desirable to make the reference any more precise than it is in the draft.

Art. XXIV of the Harbour Regulations provides for the Minister of Communications issuing detailed rules. If it were intended to make this binding on British subjects, a question of your power to do so might arise on the principle of delegatus non potest delegare, [“one to whom power is delegated cannot himself further delegate that power”] but that does not seem what is meant, but rather it is intended that these detailed rules should be instructions for the Harbour Master’s guidance, and no new penalty seems to be prescribed by the Harbour Regulations for a breach of such rules. The regulation I have put in as to the infringements which are to be considered offences will prevent any doubts [difficulties?] arising.

Art. XIX might in certain contingencies give rise to difficulties, but it is not worth while going into that.

Yours very truly

H.S. Wilkinson

P.S. I return the Harbour Regulations.

36. Wilkinson to Satow (p.68 in original file)

Hakone,

Sep. 17. 1898.

My dear Satow,

The Regulation as issued by you ought to have a copy of the Harbour Regulations annexed, and it would be well to have copies printed for distribution, whether you prescribed a price for them or not under section 16 of the O. in C. 1881. (But it is worth considering whether in printing the Regulation in the [] papers it would not be enough to say “Here follows a copy of the Harbour Regulations.” The affixing of a copy of the Regulation, and that means of course a complete copy, at the present[?], is the mode of publishing which is prescribed by the O. in C., and the publishing in the papers is desirable though not absolutely necessary.

Yours very truly

H.S. Wilkinson

37. Wilkinson to Satow

Yokohama,

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

Sep. 21. 1898.

My dear Satow,

I telegraphed to you last night to [Lake] Chiuzenji giving you an affirmative answer to your telegram, and this morning I telegraphed to you both to Chiuzenji and to Arai's [Hotel] at Nikko, saying Parlett could go at midday today, if necessary, and asking you to wire to Forster if you wished him to go.

As no telegram has since come from you, I expect mine reached you too late for action today. I have asked Forster to write to you the result of his inquiries as to the opportunities of Parlett getting to Nagasaki. There seem to be two or three within the next few days.

We shall be able to carry on for the present, except in the matter of interpreting, and I have no doubt you will be able in some way to let us have the necessary assistance. Lowder who was retained for the prosecution in Leopold's case is ill, and as Litchfield, I believe, wishes to have him assist him, the trial will probably not be set down immediately.

Yours very truly

H.S. Wilkinson

38. Wilkinson to Satow

Yokohama,

Oct. 1. 1898.

My dear Satow,

I think under Article XVI [see letter no. 20 above], Consuls might properly take advantage of the stipulation in the German protocol with regard to pending cases, but that Article is confined to Consular Officers, and does not in terms at least apply to this Court as at present constituted. A question as to the power of this Court to deal with pending cases might be raised, and it is undesirable that there should be any doubt on the subject. I therefore think that it would be desirable that you should draw the attention of H.M.G. to the subject, with a view to a direct agreement being made, similar to that in the German protocol, instead of relying on the m.f.n. clause.

Yours very truly

H.S. Wilkinson

39. Wilkinson to Satow

Yokohama,

Oct. 2. 1898.

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

My dear Satow,

Many thanks for your kind invitation. I should like to meet the Bainbridges ¹⁰, but I am sorry to say I accepted some time ago an invitation to dine with [J.H.] De Reus on the 5th, and as the invitation was sent in the name of “Le Vice-Consul des Pays-Bas à Yokohama”, I am afraid I cannot get out of the engagement.

I should like, however, very much to see the Records of Discussions, and can go up at any time (except unfortunately at dinner time on the 5th) to look at them. I think it would assist me a good deal in considering the effect of the Treaty. Would tomorrow or Tuesday suit you for me to go up? If you will kindly telephone I shall go at any hour that meets your convenience.

I am very sorry to hear that your knee is troubling you. I hope Atami will put it right.

Yours very truly

H.S. Wilkinson

40. Satow to Wilkinson (draft) (p.76 of original file)

Atami ¹¹

October 11. 1898.

My dear Wilkinson,

As you were so good as to read the Barden[s] papers ¹² and give me your opinion of the case the other day, I now should be greatly obliged if you would look at the accompanying draft of reply to the last Japanese note. It is based chiefly on Barden[s]’s last letter to Hall, of August 30, which he tells me was drafted by Lowder. The draft is long, but it seemed difficult to make it shorter, and I did not wish to omit anything of what Barden[s] thought essential. Please give me the benefit of your suggestions. I had an hour and a half discussion of the case with Barden[s] on Saturday, and learnt from him that 3/5 of the interest is English, which is a large proportion ; besides the Japanese Government ought to understand that it is better for them to do justice than to take their stand on quibbles, as for instance that about the place being no longer used as a hotel. The only difference is that it is let out in apartments, and there is no common dining

¹⁰ Emerson Bainbridge (1845-1911) the Liberal M.P., mining engineering consultant and philanthropist, called on Satow on 29 September 1898. (Diary, Ruxton, 2003, p. 304)

¹¹ Satow was at Atami health resort from October 9th to 29th. He apparently did little work during that time. (Diary, Ruxton, 2003, pp. 306-307)

¹² F.J. Bardens was the owner of the Hyogo Hotel. During the land reclamation to create Kobe port the beachside (waterfront) view was destroyed and the hotel’s value reduced. Bardens protested through the British minister, but in the end sold the hotel without compensation. Nihon Yūsen bought the land and built on it. (Nagaoka, vol. 1, p. 297, summarized from Japanese F. O. archives).

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room. But this is hardly worth mentioning in my reply.

If Barden[s] had come to me or sent his lawyer in the first instance, his case would have been better put to the Japanese Govt., and I observed to him that this showed the desirability of a British subject having a claim to put forward consulting personally with his 'solicitor', and explaining everything. It was only thus that I came to understand the importance of the words 'high water mark' and 'low water mark' in the original lease.

You will find among the enclosed papers an accurate retranslation by [J.H.] Gubbins of the Japanese translation of the first lease, which is so confused that the notion of using it to clear up so-called 'ambiguities' in the English document becomes simply absurd.

I should greatly like to see this correspondence published, if the claim is not settled, and also that about the Kōbe hill lots. To be so completely in the right is a great comfort.

The baths and massage are I feel confident going to do me a lot of good. The air here is perfect.

Yours very truly
Ernest Satow

41. Wilkinson to Satow

Yokohama,

Oct. 19. 1898.

My dear Satow,

I return herewith the papers re Barden's claim. I thought at first that I could express my ideas by a few notes on your draft, but as I went on I found that unsatisfactory, and wrote a new draft, putting in the major part of what you had written. As explaining what I have written, I may mention first the points in your draft which I thought required consideration.

p.5 You say the words "full right" &c. cannot be regarded as ambiguous. This is probably correct, but "water frontage" may have a more extended and a less extended meaning according to circumstances. It may mean, as in this case it does mean, such a right as will give an uninterrupted view of the water, or it may mean, as in this case it does not mean, a right to load ships alongside, and it may mean the right to land from or embark in boats. The Japse. in calling upon Bardens to say what it does mean got a list of benefits which they have dealt with in detail. Those which he described vaguely they have set aside as not deserving of consideration. The specific one of prospect they have argued against its existence, and I have endeavoured to meet those arguments, and to

show that there is some definite benefit to which he is entitled and of which he has been deprived.

p. 6. You say that the corporeal possession of the foreshore is not claimed. That is correct. But it had been claimed by Bardens in his letter of March 1st, which had been enclosed to Nishi in your note of March 7, and it was this claim Nishi was combating a short note that the claim was not made & might be misconstrued.

p. 7 “But this is to confound a corporeal with an incorporeal right.” I do not think that the question of limits turns on this distinction. A right of light for instance is an incorporeal right, but the ground over which it is to be enjoyed may be expressly limited by metes [archaic: limiting boundaries] and bounds. It may be over an adjoining piece of ground bounded by a fence or wall, and the right will not extend beyond the boundary line. The real point, I think, is that the interpretation of “low water” contended for by Nishi would deprive the words water frontage of any meaning.

p. 9 You refer to Art. 280 of the Civil Code. I think this Art. [Article] is very defective. It would seem to provide only for a positive servitude and not a negative servitude such as, it appears to me, this is. The principal right acquired (if not the only right) is a right to prevent the servient tenement¹³ being used by its owner in a particular way and not a right of the dominant owner to use the servient tenement in any particular way. I think the reference to the Code had better be omitted.

Then there were some points in Nishi’s letter which you did not think necessary to notice, which I think might perhaps be dealt with. I need not enumerate these – you will see them in the draft I have prepared.

In writing this draft I have been turned aside perhaps here and there from the order you have followed and from the order of Nishi’s letter, but not to any great extent. The draft is not intended by any means as a final draft. It requires your careful consideration and if there is anything I have not made clear, I shall be happy to explain it. If there is anything you don’t agree with you will of course reject it.

It may be well perhaps if I give you my view of some parts of the case unhampered by the particular form the controversy has taken.

By the right to frontage down to the water mark, I am of opinion the lessee obtained a negative servitude over the road and over so much of the foreshore as lay between the road and the water, that is a servitude to prevent the land occupied by the road and the foreshore being, say, built upon. The words of the grant are wide enough to cover a negative servitude over the road and a positive servitude over the foreshore, that is a

¹³ “servient tenement” (legal, noun): land subject to an easement or servitude. Compare “dominant tenement”.

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right to use the foreshore, say to cross and recross in going to or from boats or to draw up boats or the like. These would be included in the rights appendant to the water frontage or foreshore, and here I may note that Nishi's observations on this part of Bardens' claim is [are?] about the only ones I have not referred to in my draft. I have said nothing because Bardens, although in his letter of Aug. 30th he refers to water access and egress, does not say whether that at the time of the reclamation was actually enjoyed or ever was enjoyed. I do not intend that my draft should limit his claim to one of prospect. You will be able to judge whether it is open to that construction. If so, it ought to be altered.

The distinction I have made in the draft between the rights given by the lease and the benefit to be derived from those rights is I think a correct one. The distinction between the servitude over the land to the water line has its analogue in the case of a right of way over another man's land – leading by a short cut to a mine or a market town. The right ends on the boundary of the servient tenement but the benefit of access to the mine or market town extends beyond it and the whole value of the benefit in that case depends on what is beyond the boundary.

If you saw your way to do it, and thought it would be safe to do so, you might perhaps suggest in your note that it being clear that Bardens is entitled to some compensation, the only remaining question is how much, and that you would hope to be able in conjunction with H.E. [His Excellency, Foreign Minister Nishi] to settle upon some means of arriving at the amount – of determining what are the benefits of which Mr. Bardens has been deprived and of the compensation he ought to receive for their loss. Perhaps however that suggestion might come later. One does not wish to invite a reply referring Bardens to the Japanese Courts.

Yours very truly

H.S. Wilkinson

42. Wilkinson to Satow

Yokohama,

Oct. 22. 1898.

My dear Satow,

I propose to go to Tokio this evening and start for Hakodate tomorrow. If nothing turns up to bring me back sooner I shall be here again on Monday week. But I shall let them know at the Court where I am from day to day and will return at once if telegraphed for.

One of the false pretences charges is set for hearing on the 2nd Nov. The indictment in

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the more serious case is not put in yet, but I understand from Litchfield that he will have it in time to have it set down for the 8th , but he tells me that deft's [defendant's] Counsel wishes a postponement.

Yours very truly

H.S. Wilkinson

43. Wilkinson to Satow

Yokohama,

Oct. 22. 1898.

My dear Satow,

I have re-written the passage you have marked in the draft about Bardens's claim, and I hope the obscurity has been cleared up. I quite see that as it stood it was capable of misconstruction.

I have had the half sheet in which the amendment occurs re-written and put in the draft, as an alternative to the original half sheet, which latter you can tear out if you approve the amendment. The other corrections you have made are all improvements, and I have written them in in ink.

Yours very truly

H.S. Wilkinson

P.S. As to the marks of quotation on p. 26, I have not the note to refer to, but my recollection of it is such that I think the word being ought not to be included in the quotation. Where the word being is in the draft I think the words in the note were "could in no case" or words to that effect. You will be able to put it right on referring to the note. I think the word being should stand in the draft – only left outside of the quotation marks.

44. Wilkinson to Satow

Yokohama,

Novr. 8. 1898.

My dear Satow,

Many thanks for the copy of the proposed Convention. Yes. It clearly is drafted in view of 24 & 25 Vict. c. 121, (The Domicile Act, 1861). The second part of the second Article of the draft, however, refers to circumstances not contemplated in the Act. I think the provision as to Consuls administering is very desirable, but under the present circumstances it seems to me to be of far greater importance to have a Convention such as is contemplated in the first section of the Act. I shall give you my reasons later.

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Yours very truly

H.S. Wilkinson

45. Wilkinson to Satow

Yokohama,

Novr. 10. 1898.

My dear Satow,

I have looked into the question of the jurisdiction of the Vice Consul at Kobe.

Provision as to the constitution of Provincial Courts is made in section 25 of the C. & J. O. in C. 1865, by which it is provided that:

“Each of Her Majesty’s Consuls General, Consuls and Vice Consuls (holding a commission as such from Her Majesty, resident in China or in Japan xxx – or any person acting temporarily xxx as and for a Consul General, Consul or Vice Consul, so commissioned as aforesaid, --- shall for and in his own Consular district, hold and form a Court styled Her Britannic Majesty’s Court at xxx.”

The Vice Consul and Acting Vice Consul fulfil the above conditions, (and the other conditions of the section which I have not thought necessary to repeat) and are entitled to hold and form a court. The absence of any provision for the case of a Consul and commissioned Vice Consul being appointed to the same district would seem to lead to the conclusion that such a case was not contemplated, especially when taken in conjunction with the provision as to the Judges of the Supreme Court and their relations to each other, and in Japan at least when the O. in C. was passed there were (I think) no districts having both Consul and commissioned Vice Consul. The fact that such a contingency had not been contemplated did not prevent the terms of the section being applicable to the contingency when it arose, and this is no doubt the view that was taken when Hiogo and Osaka came to be opened in 1868. They were included in one Consular district, and a Consul was appointed for the district to reside at Hiogo, and a Vice Consul for the same district to reside at Osaka, with the intention that each of them should hold a Court the one at Hiogo and the other at Osaka. After the permanent residence of the Vice Consul was removed from Osaka to Hiogo, sometimes the Consul and sometimes the Vice Consul acted as Judge. During the time I was Acting Vice Consul, I heard, with I think only one exception, all the cases that came before the

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Court; and when [James Joseph] Enslie succeeded me as Acting Vice Consul he too heard most, if not all of the cases. Although two of my decisions were taken to Shanghai on appeal, and there confirmed, the question of jurisdiction was never, so far as I remember, once raised.

Nothing, I believe, has since occurred to affect the question of the jurisdiction of the Vice Consul or Acting Vice Consul.

This however does not conclude the matter. It may be quite lawful for the A.V.C. to hear cases, but whether, at any particular time or under any particular circumstances it is expedient that he should do so, is another question.

In view of the opening of Yedo in 1868, similar arrangements were made with regard to Kanagawa and Yedo as were made with regard to Hiogo and Osaka, and [William] Willis¹⁴ was made Vice Consul at Yedo and Kanagawa, and I think you will find in the instructions which accompanied his appointment (and possibly in those which accompanied Lowder's as Vice Consul for Hiogo and Osaka) restrictions placed upon the exercise of the jurisdiction which his appointment conferred upon him. These instructions were no doubt issued after consultation with Sir Edmund Hornby.

If you consider it desirable for the due carrying on of the work of the Consulate, or on other public grounds, that the work should be so distributed between the Consul and Vice Consul as to leave the Consul to take all the cases and the Vice Consul to confine himself to purely Consular work, I see no objection to your issuing the appropriate instructions, but I would suggest that circumstances may sometimes occur when it would be desirable to give the Consul the opportunity of making use of the jurisdiction vested in the Vice Consul.

Yours very truly
H.S. Wilkinson

46. Wilkinson to Satow

Yokohama,

Novr. 28. 1898.

My dear Satow,

I have put my notes on the subject of the Domicile Act¹⁵ in the form of a

¹⁴ See Hugh Cortazzi, *Dr. Willis in Japan, 1862-1877: British medical pioneer* (London: Athlone Press, 1985)

¹⁵ See Domicile Act 1861, section 4. This provided in cases where there was no rightful administrator for a Consul, Vice-Consul etc. of a foreign state to administer the estate of a deceased foreign national on British soil, provided that reciprocal treaty rights were granted to the UK in that foreign state.

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Memorandum which I enclose herewith [N.B. not in file]. Our difficulty of course arises from the certainty of the Japanese insisting any agreement be reciprocal, and the necessity of legislation on our part to give effect to any reciprocal agreement. Legislation, indeed, may still be necessary, even as regards British Subjects, if we go beyond what the present Act provides for.

If there were time to refer the matter home, and time for the home authorities to confer and come to a decision, I would suggest such an amendment of the Act as would avoid any chance of the difficulty suggested by Dicey¹⁶, but there does not seem to be time for that, and I think the Act ought to be taken advantage of as far as it goes.

Yours very truly

H.S. Wilkinson

P.S. I shall return your draft instructions on Wednesday with my notes on them.

47. Wilkinson to Satow

Yokohama,

Decr. 17. 1898.

My dear Satow,

The draft seems very good, but I should like to think over one or two points, and I shall accept your kind invitation to lunch on Monday and discuss them.¹⁷

I may indicate the questions which occur to me at the moment.

Does the draft cover the case of the jurisdiction of this Court to hear an appeal from (say) the Kobe Court in a case begun but not decided in that Court when the treaty comes into force?

Does "final decision" which I know is used in other Protocols, cover execution – i.e. the enforcement (if required) of the final decision?

Is it necessary to provide for appeals to Shanghai or the Privy Council in pending cases?

Yours very truly

H.S. Wilkinson

48. Wilkinson to Satow

[Satow's writing: "ans 31/12. Can you let me have the d[ra]ft. back by the middle of

¹⁶ Presumably the British jurist Albert Venn Dicey (1835-1922).

¹⁷ "Wilkinson came up and we settled amendments to Aoki's draft of protocol for continuing consular jurisdiction in pending cases at date of operation of Treaties." [i.e. 17 July 1899] (Satow's diary, 19 December 1898; Ruxton, 2003, p. 322)

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Jan[uar]y with observations. Aoki's objection to 'until finally disposed of'. FM's answer in Flood case]

Yokohama,

Decr. 29. 1898.

My dear Satow,

I have found it impossible to complete my notes on the draft circular, and I have come to the conclusion that as things stand the draft cannot be finally settled at present or put into a condition to be sent home for approval. I shall write more fully on this in a day or two. In the meantime I enclose a Memo on the Merchant Shipping Act in its application to Foreign Ships, which you may perhaps find useful for purposes of reference.

Yours very truly

H.S. Wilkinson

49. Wilkinson to Satow

[Some pencil writing above the letter: "O. in C. except Fees fall away, including Yoko. as a port of Registry."]

Yokohama,

Decr. 31. 1898.

My dear Satow,

The following is a rough list of the subjects dealt with in the draft circular.

1. Consuls to provide themselves with copies of Treaties.
2. General effect of new Treaties.
3. Jurisdiction in shipping matters after new Treaties come into force.
4. Imprisonment of seamen under sentence of Naval Court.
5. Desterters. [Deserters]
6. Crimps.
7. Jurisdiction in pending cases.
8. Completion of sentences of Imprisonment.
9. Execution of Judgments in Civil Cases.
10. Consuls to make themselves acquainted with Japanese Law and to provide themselves with copies of Japanese Codes.
11. Consular intervention in cases of British subjects arrested on Criminal charge.
12. Taxation.

No. 10 has already been disposed of by your Circular to the Consuls sending copies

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of the Codes, and that Circular need only be referred to.

I would suggest that No. 1 should be also disposed of by a separate circular sending to the Consuls a copy of the book about to be published and which is to contain copies of all the Treaties.

No. 2 might be disposed of in the same circular calling attention to the fact that the Treaty relations with Japan become the same as those with any state of Europe or America and saying that instructions rendered necessary by the new conditions will be issued later on.

Nos. 7, 8 & 9 might be disposed of when the new Protocol is signed.

Nos. 3 to 6 might, I think, with advantage be disposed of in a separate circular. The advantage of this would be that all the instructions relating to ships and seamen being in one circular that could be referred to the Board of Trade without their being troubled with other matters. If, however, it were thought best to make one circular do for the whole of the Consul's duties (exclusive of the special action to be taken as to 7, 8 & 9) Nos. 11 & 12 might be included.

With regard to No. 8 – completion of sentences of imprisonment, there seems to me to be a distinction between the following cases.

1. Prisoners in British Jails. The principal of these is of course the Yokohama Consular Jail, but there are others, Nagasaki for instance.

2. Prisoners in Japanese Jails. There is an arrangement, for instance, at Hakodate by which British subjects detained under the warrant of the British Court either awaiting trial or undergoing sentence are imprisoned in the Japanese Jail.

3. Prisoners in the Municipal Jail at Kobe.

With regard to the second of these there seems to be no difficulty whatever. The Japanese, I take it, will not release a prisoner under sentence because the new Treaties have come into force, and if there is one waiting sentence, and the new protocol is signed they will probably carry on exactly as they would have done under the old treaty.

With regard to No. 3 – the Kobe Municipal Jail – an understanding ought to be arrived at with the Japanese authorities, either by you with the Min. for F.A. or by Hall with the local authorities, as you consider best, or obtaining in any other way a knowledge of the Japanese intentions.

With regard to the Jail at Yokohama, I think we ought to have an understanding with the Japanese Authorities. You may perhaps think it desirable to refer home to the F.O. before opening the subject. There will be no prisoners with long sentences but there may be some with a few weeks to run. The same principle will apply to the British Jails at other ports. But they are most likely to be empty.

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I shall complete my notes on the other matters in a few days.

Yours very truly

H.S. Wilkinson

P.S. I have your note. I shall reply tomorrow.

50. Satow to Wilkinson (draft, p. 95 in original file)

2/1/99

My dear Wilkinson,

I had thought we might have deferred the letter addressing the F.O. with ref[erence]. to the future of the officers of your Court, I mean Clerk & usher, but as a change has to be made at once in the Constable at Nagasaki I think I sh[ou]ld. like to begin dealing with it at once. The gaoler & turnkey I suppose are the Consul's affair.

I may say at once that whatever proposals you make as to your staff will receive my support, & I only now wish to know privately your views & whether you will open the ball by an official desp[atch].

If poss[ible]. I sh[ou]ld. wish to utilize one of the men whose services are to be no longer required at Nagasaki, but until the F.O. & Treasury have pronounced upon the title he is to bear, whether office serv[an]t., writer or Consular Clerk or whatever other title may suggest itself, I think we cannot undertake to decide the latter point.

At the same time I shall have to make proposals to the F.O. ab[ou]t. the future of the Consulate Constables. They will not be able to bear that title after the new Treaties, & it will also be desirable to define their functions. Any ideas you can give me on this subject will be welcome.

y.v.t.

E.S.

51. Wilkinson to Satow

Private

Yokohama,

Jany. 2. 1899.

My dear Satow,

I have just received your letter about the officers of the Court. I think there is really only one person who comes exclusively under that denomination. The Registrar is of course a Consular Assistant, and the Usher, Kircher, is, I see, down in the F.O. List as Second Constable. The gaoler and turnkey are, as you suppose, entirely under the Consul, who is responsible for the gaol. The Chief Clerk, Moss, is the only person who

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is an officer of the Court and nothing else.

Moss, I believe, has always contemplated that he would be “abolished”, but I shall speak to him on the subject, and write you further. I think before writing to you officially on the subject it would be better if I had a despatch from you saying that the Treaty will come into force in July, and as in view of the cessation of jurisdiction the services of the Chief Clerk will no longer be required in that capacity, you would like to lay before H.M.’s Sec. of S. [Her Majesty’s Secretary of State, i.e. the Minister for Foreign Affairs] any suggestions I may wish to make as to his retirement or as to his future employment in a similar capacity in the Consular service – or something to that effect.

The fact is I have as yet received no official information that the jurisdiction of the Court is coming to an end, and without some peg to hang a despatch on I am afraid that I might seem to the F.O. to be “too previous” in writing about ulterior arrangements. I should like however before you write to me to have an opportunity of seeing Moss and ascertaining his views.

Unless he wishes himself to continue to serve, I think he might fairly claim his pension, as there would be considerable difficulty in finding him a position which would be altogether equivalent to that which he now holds. This brings me to the subject of the Constables. I can think of no better title for them than that of “clerks”. I believe they would like the title, and I think as things stand it would [be] a very appropriate one. The greater part of the work done by Hodges and Kircher is clerical (where it is even not more important than clerical.) Hodges does most of the shipping work and Kircher has had charge of the passport work, and, I believe at most of the Consulates the shipping is left to the Constables. Looking at the F.O. List I see there are clerks at Amoy, at the Consulate of Alexandria, at Tangier, at the Consulate of Constantinople, a Chief Clerk, an Assistant Clerk and a Shipping Clerk at Smyrna. It would not, I think, be fair to those already in the service to call them “Messengers”, although they ought to understand that such of the duties of Constables which would come within the scope of a messenger’s duties and would still have to be performed would devolve on them.

You know the doubts I entertain as to the desirability of delegating so much to the Constables, but still I am quite clear that neither they nor their successors ought to be messengers merely.

Now comes the difficulty which suggests itself with regard to Moss. As Chief Clerk of the Court he occupies, I should think, a much better position than he would have as Chief Clerk of the Consulate with Hodges or Kircher associated with him, as Assistant

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Clerk, and I think he ought to have the option of saying whether he would care to take that post. I shall, however, sound him on the subject and write again.

I have written to you about other matters, but shall defer sending it until I am able to give my complete notes which I hope to do by Thursday or Friday.

Yours very truly

H.S. Wilkinson

52. Satow to Wilkinson

Copy

3.1.99

My dear Wilkinson,

Thanks for your very prompt & full reply to my note of yesterday.

With regard to Moss, I hardly think it w[ou]ld. be possible to find him a berth in any of the Consulates, for he has a salary of £400 a year, the equivalent of what a first assistant receives, & I do not think he could well be added to their ranks. I think therefore he might be pensioned, or abolished. A chief Clerk at the consulate is not, I think, required. Any how the Consulate has got on without one hitherto, & I feel sure the Treasury w[ou]ld. object. As to Kircher, if his duties are chiefly passports, they will cease when the Treaty comes into operation, & possibly he might do for Nagasaki. ¹⁸

The question of title is an important one, I think. Upon it often depends a man's conception of the duties and rights he has. At Tangier the Legation interpreter had the rank & title of V.C. [Vice Consul], wh[ich]. caused much inconvenience, as he claimed the right to act in the absence of the Consul, a post for w[hi]ch. he was unfit. I mention him as an example. The clerk at Tangier belongs to the Legation, not to the Consulate, he is a gentleman by birth & education. There is a consular clerk, but he is paid out of the office allowance, & has no status in the service.

I agree with you abt. the undesirability of so much authority being delegated to the Constables as shipping clerks. It was however approved of by Plunkett ¹⁹, & it is difficult to make a change now, tho' I sh[ou]ld. like to attempt it.

The Ass[istan]t. in charge of the Land Register will be in future relieved of the

¹⁸ Kircher was transferred to Nagasaki as Shipping Clerk in that Consulate, November 1, 1899. He retired on a pension on October 1, 1902. (F.O. List, 1910)

¹⁹ Sir Francis Richard Plunkett (1835-1907) was Envoy Extraordinary, Minister Plenipotentiary and Consul-General at Tokio, appointed July 1, 1883. He took part in the treaty revision conference from May 1886 to July 1887. He was appointed Envoy Extraordinary to the King of Sweden and Norway on April 30, 1888. (See H. Cortazzi's portrait of Plunkett in *Britain & Japan: Biographical Portraits* Volume IV, Chapter III, pp. 28-40.)

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major part of his duties, as transfers & mortgages will be in the Jap[an]ese local offices. I suppose fr[om] time to time people may wish to consult the old registers. Also, there will be no work in connexion with the forwarding of actions ag[ain]st. Jap[an]ese subjects thro' the Consulate, w[hi]ch. I understand has taken up much time. Also no obligatory registration of Bss. [British subjects] at the beginning of each year.

What will be done with Litchfield. How does he get his pay? ²⁰

Is not Kircher officially styled Constable-Usher?

I think in the ans[wer]. you return to me you might perh[aps]. say something abt. the amount of work hitherto done for the Court by Hodges & Kircher w[hi]ch. will cease.

I have written to Bonar to ask his views about the Consular work of Hodges &c. and asked him to exchange views with you.

Here is a draft wh[ic]h. I sh[ou]ld. propose to write to you. Please say whether it covers what is necessary. I have not said anything abt. the possibility of July 17 being replaced by Aug. 4, w[hi]ch. is the date of the French Treaty coming into operation, as it will have no practical effect upon the date of our Courts being closed.

If you had a spare evening this week except tonight & Saturday I sh[ou]ld. be very glad if you w[ou]ld. be disposed to come here for the night. Writing is good, but talking is also helpful. ²¹

y.v.t.

E.S.

53. Wilkinson to Satow

Yokohama,

Jany. 11. 1899.

My dear Satow,

I enclose the redraft of the instructions embodying in the instructions relating to the study of the Treaties and the Japanese laws the instructions relating to the most favoured nation treatment. Logically, these would seem to fall naturally enough under a general clause at the end, as the m.f.n.t. [most favoured nation] stipulations in Art. XV. &c. refer to Government ships & subjects i.e. to all British interests, but I quite see the force of your objection to its appearing as if it were secondary to Consular privileges.

²⁰ Henry C. Litchfield was a barrister of the Inner Temple, called in November 1867. He was appointed Crown Prosecutor at Tokio on July 23, 1885, and was recorded as at Yokohama at least until the F.O. List of 1900.

²¹ Wilkinson had dinner with Satow on January 5th and they “discussed draft of instructions to consuls.” (Diary, Ruxton, 2003, p. 325)

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The reference to Public and Private International Law was in the draft as I sent it to you, but it was put in by me, and I think I did not specially call your attention to it. It seems desirable that it should find a place in the instructions, but, as it was not in your draft, and as it does not seem to be referred to in the General Consular Instructions, which I have otherwise followed where possible, it is only right that your attention should be directed to it.

There are other matters, but I shall defer them till tomorrow.

Yours very truly

H.S. Wilkinson

54. Wilkinson to Satow (p. 102 in original file)

[“ans. 17. Suggested host. Judge c[ou]ld. carry on the bankruptcy case.”]

Yokohama,

January 12. 1899.

My dear Satow,

Following our conversation about the pending proceedings protocol, and in view of the institution of bankruptcy proceedings against Leopold, I have had a statement made out, which I now enclose, showing the time occupied in similar cases which have already been before the Court. The last case is an exceptional one, and may be left out of account. But it will be seen that each of the other cases has occupied more than two years in winding up. Leopold's case will be disposed of as expeditiously as possible, but it is too much to hope that it can be closed before July. In most, if not all, bankruptcy cases there are auxiliary proceedings taken in the course of the case for the realisation of assets and the determination of claims made against the estate and of claims made by the Receiver or Trustee on behalf of the estate, and the question which suggests itself is whether the protocol as proposed will cover such proceedings if begun after July. I am of opinion that it will cover every proceeding which is a proceeding in the case. All such proceedings are headed:-

In re (the bankrupt)

Ex parte (the Receiver, the Trustee or any other applicant)

And they are part of the “case” or “matter”. I think it right to mention the subject as it now comes up. In view of the question you put to me whether “case” and “proceeding” would cover everything, I thought whether “matter” might not be added, but I come to the conclusion it is not necessary. But a point might be raised possibly as to the enforcement of an order made on a proceeding in the case. It will be a “final order” in

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the sense in which that expression is intended to be used in the draft of the additional clause to the protocol, that is, an order unreversed and no longer liable to be reversed, but it won't be the last order in the case. I think the protocol will cover all this, and allow the estate to be wound up, but we had no case like this in mind when the protocol was first thought of, and as it now turns up it calls for consideration.

The last case in the enclosed list may in one sense never be closed, as the Bankrupt has not applied, and shows no intention of applying for his discharge, but in all other respects it will very soon be finished.

Yours very truly

H.S. Wilkinson

In H. B. M's Court for Japan In Bankruptcy.		
Name	Proceeding instituted	Proceeding closed
Henry MacArthur	Aug ^t . 18. 1885	Nov. 5. 1887
Andrew Jaffray	Sept. 15. 1885	April 30 1889
David Welch	Sept. 11. 1891	June 19. 1894
Erwin Burger Watson	Feb ^y . 19. 1892	April 29. 1895
David S. Breenley	March 25. 1892	
Yokohama January 7. 1899		C. A. Moore. Official Receiver

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55. Wilkinson to Satow (p. 105 in original file)

Yokohama,

Jan 22. 1899.

My dear Satow,

The extract given on the other side [see Times article below] suggests a question which may or may not have been under your consideration – the settlement of disputed appraisements [assessments] in the case of goods subject to an ad valorem [Latin: “according to value”] customs duty. The system of preemption referred to in the extract was the one stipulated for in our Treaty with Japan of 1858 (Art. XV.) In the new Treaties this stipulation has been omitted, and the matter is therefore left to be decided by whatever law Japan may make on the subject. As the subject may become of interest I append some references.

Yours very truly

H.S. Wilkinson

[Note at top in of page in Satow’s handwriting: “Please send me Vol. 18. I have 16.”]

References

Anglo-Belgian Treaty of July 23, 1862,

Art XIII – Hertslet vol. XI p. 68

Franco-Belgian Treaty Arts XX to XXIII

referred to in Anglo-Belgian Treaty

and set out in a note on same page

et seq.

Conventions & c. under head of “Expertise”

in Hertslet vol. XVI (p. 160) and subsequent volumes, including

Commercial Convention with Egypt

of October 29, 1889. Vol. XVIII p. 382.

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The Times, December 6, 1898 [handwritten copy]

The Money Market p. 4

“We have received information that the Belgian Government is preparing to introduce a new measure to regulate the procedure for the settlement of disputes regarding the value of imported goods subject to an ad valorem duty. It is proposed to suspend the present system of preemption as established by Art. XIII of the late Anglo-Belgian Treaty of Commerce of 1862 and to substitute a method by which all disputes concerning Customs declarations shall be referred to, and settled without appeal by, a board constituted by the Belgian Minister of Finance himself. We understand that this proposal is considered likely to be productive of the gravest abuses, and also that it would abolish, at a single stroke, the valuable safeguards against errors on the part of over-zealous officials which were created by the Treaty of 1862. We are informed that the contemplated system imposes heavy penalties should the value of the goods, in the opinion of the assessors, prove to have been “under declared” to the extent only of 5 per cent. The foreign Chambers of Commerce in Belgium are energetically concerting measures of protest against this proposal, and among them the Anglo-American Chamber is taking a prominent part.”

[Hertslet's Treaties Vol. XIX. p. 670]. [handwritten copy] (pp. 107-108 in original file)

Act of the Government of India

“Nothing in this Act shall apply to any vessel belonging to or in the service of Her majesty or the Government of India, or to any vessel of war belonging to any foreign Prince or State.

Any Magistrate, upon an application being made to him by the Consul of any Foreign Power to which the Foreign Deserters Act 1852 has by an Order of Her Majesty in Council, been, or shall hereafter be, declared to be applicable, or by the representative of such Consul, and upon complaint on oath of the desertion of any seaman, not being a slave, from any vessel of such Foreign Power, may, until a revocation of such Order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, at the instance of the Consul, to be detained in custody, until the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month.

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Provided that a deposit be first made of such sum as the Magistrate deem necessary for the subsistence of the deserter during that detention, and that the detention of the deserter shall not be continued beyond 12 weeks.”

56. Wilkinson to Satow (p. 109 in original file)

Yokohama,

Feb. 16. 1899.

My dear Satow,

I have your notes, one about the arrest and detention of deserters, and one about the re-arrangements consequent on the new treaties coming into force.

As to the first, it appears to me that paragraph 4 of Art. II is likely to give rise to difficulty, that is the one requiring an extract from the register and the articles.

As to the second, we have not at the moment the means of knowing what cases may be pending in July, or how long it would take to dispose of them. The insurance case I am now trying has been pending since the early summer of last year, and there has been no delay as far as the Court is concerned.

But I shall write more fully on both subjects tomorrow.

Yours very truly

H.S. Wilkinson

57. Wilkinson to Satow

Yokohama,

February. 17. 1899.

My dear Satow,

I return herewith the draft despatch concerning the re-arrangements. Many thanks for letting me see it.

As I mentioned to you yesterday, it appears to me that, as we do not know what cases may come in before July, we cannot now say how long it may take to dispose of them. When talking over the matter with Hannen last summer in the light of our joint experience we came to the conclusion that it would probably take to the end of the year to wind up on the footing, of course, of no cases coming in after July. That this is not too long a time to give would appear from subsequent experience.

The case of R. V. Leopold then (in August) pending did not come on to trial until December. The delay was due principally to applications for time made to the Crown Prosecutor on behalf of the accused, but the prosecution also wanted time to get documentary evidence from home, and it only arrived in time for the trial. The

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insurance case of which the hearing has commenced was also then pending, and I have now had to grant an adjournment on the application of Counsel for everyone concerned.

If no more cases come in, it might be possible to wind up as you suggest, and of course it is just possible that no more cases may come in. But that would be contrary to all previous experience, and I think we ought at present to reckon upon at least a normal amount of business.

I quite understand the desirability of not seeming to unduly prolong a moribund system (and for myself, if I am to succeed Hannen, the sooner I can do so the better). But there are some cases which, if once started, require time, and they must get it, if it can be given. They may not be started, but we cannot now be sure of that.

I may mention that there is a case coming on in the French Court some time after the 4th of August – in November I think – which will be a cause celebre, and Ratard tells me that he considers it will take him quite a year after the 4th of August to wind up the pending cases in that court.

Such matters in the Leopold bankruptcy case as may be left to Bonar to dispose of can scarcely, I think, be dealt with by him as Assistant Judge in the absence of the Judge. He would probably require to be made Acting Judge.

I am greatly pleased to see that you endorse so fully my recommendation as to Moss.

Yours very truly

H.S. Wilkinson

58. Wilkinson to Satow (p. 113 in original file)

Yokohama,

February. 20. 1899.

My dear Satow,

I return herewith the draft law concerning the arrest and detention of deserters.

I have gone carefully through it, with the exception of paragraph 4 of Article II, to which I have already referred. I see nothing likely to give rise to any difficulty.

The draft is evidently based on Article XVII of the German Consular Convention. We have stipulated (in Article XIV of our Treaty, which has been followed in the treaties with many of the other Powers) that our Consuls shall “receive from the local authorities such assistance as can by law be given to them for the recovery of deserters.” The German Convention goes further, and contains stipulations which, in a measure at least, determine what the law must be.

In Article II of the draft law the rendering of assistance is made subject to five conditions or exceptions.

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The first is that the person sought to be arrested must not be a Japanese.

This is quite correct, and is stipulated for in the German Convention and in our own and other treaties.

The second is that the person sought to be arrested must not be under prosecution or undergoing punishment for an offence punishable as a crime or misdemeanour.

This follows the German Convention which says:

“If the deserter shall have committed any crime or offence within the country where he has been captured, he shall not be placed at the disposal of the Consular Officer till the proper Tribunal having jurisdiction in the case shall have pronounced sentence, and such sentence shall have been executed.”

This is also a provision in the Orders in Council applying the provisions of the Merchant Shipping Act to the deserters from ships of particular countries – see as to deserters from Mexican ships, Hertslet Vol. 18 p. 869, and, as to deserters from U.S. Ships, Hertslet vol. 19 p. 902 – although it has not been inserted in the Order in Council relating to deserters from Japanese ships.

The third is that a person is not liable to be arrested, if having been previously arrested for the same desertion he has been set at liberty at the request of the Consul or after undergoing six months detention.

This is also in accordance with the German Convention, which, after providing for the detention of deserter at the request and at the expense of the Consul until he find an opportunity of sending them away, proceeds to say:

“If, however, such opportunity should not present itself within the space of six months from the day of the arrest, the deserter should be set at liberty and shall not again be arrested for the same cause.”

The fourth is “where the Consular office has not accompanied his written request by a proper extract of the vessel’s register and of the articles of the vessel, or other official document sufficient to prove that the person is a member of the crew.

This is in accordance with the German Convention which provides that the Consular officer shall “make a request in writing for the deserters, supporting it by an official extract of the register of the vessel, and the list of the crew, or by other official documents to show that the persons claimed belong to the said crew.”

It would appear from what follows that the object of this stipulation is to relieve the Consul from being called on to make an oath as to the fact of the person sought to be arrested being a member of the crew (or of his having deserted).

[] the Convention proceeds:

“Upon such request alone, thus supported, and without the exaction of an oath from

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the Consular Officer, the deserters shall be given up.”

The difficulty to me is that the Register, in the case of an English vessel at any rate, would not show anything as to who are members of the crew, and why an extract from it should be required I cannot conceive. In the Treaty with Peru, which in this matter comes nearest to the German, it is provided that the Consul’s application shall be “accompanied by proof from the ship’s roll or other public document that the person so demanded is one of the crew of the vessel from which he is alleged to have deserted.”

There is one interpretation of the provision in paragraph 4 which would make it incumbent on the Consul in every case to give an extract from the register, and another which would enable him to give in its stead some other official document.

The difficulty would disappear if the requirement were an extract from the register or from the articles (or some other official document) and it is to be observed that in Article XVI of the German Convention the corresponding stipulation is put in the disjunctive – “ supported by a certified extract from the ship’s register or the list of the crew.”

The fifth condition is that the Consul should guarantee the payment of expenses.

This is quite right (though one may not admire the drafting which puts this on an equal footing with the stipulation relating to the nationality of the deserter.)

As you may wish to refer to the translation of the German Convention I return it herewith.

I enclose a copy of the Order in Council relating to deserters from Japanese ships in the British dominions, both the provisional order and the final Order, and a copy of section 238 of the Merchant Shipping Act there referred to.

You will observe that by subsection (3) of that section a penalty is prescribed for harbouring a deserter liable to be apprehended under the section – that, as regards Japanese vessels, means any deserter from any such vessel in the British dominions. The Japanese legislation will not be complete unless it makes a similar provision.

Yours very truly

H.S. Wilkinson

P.S. It is to be noted that the draft law provides for deserters from vessels of war as well as from merchant vessels. Our Treaty only refers to “vessels”. “But that is another story.”

p. 119 of the original file (handwritten)

Sec. 238. Merchant Shipping Act 1894

(1) Where it appears to Her Majesty that due facilities are or will be given by the government of any foreign country for recovering and apprehending seamen who may desert from British merchant ships in that country, Her Majesty may by O[rder] in C[ouncil] stating that such facilities are or will be given, declare that this section shall apply in the case of such foreign country, subject to any limitations, conditions and qualifications contained in the Order –

(2) Where this section applies in the case of any foreign country, and a seaman or apprentice, not being a slave, deserts when within any of Her Majesty's dominions from a merchant ship belonging to a subject of that country, any court, justice or officer that would have had cognisance of the matter if the seaman or apprentice had deserted from a British ship shall, on the application of a Consular officer of the foreign country, aid in apprehending the deserter, and for that purpose may, on information given on oath, issue a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed; and any such warrant or order may be executed accordingly.

(3) If any person harbours or secretes any deserter liable to be apprehended under this section, knowing or having reason to believe that he has deserted, that person shall for each offence be liable to a fine not exceeding ten pounds.

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p. 121 of the original file (handwritten)

At the Court at Osborne House, I[sle] of Wight, 3rd day of Feby. 1898

Present The Queen's Most Excellent Majesty in Council

Whereas by subsection (one) of Sec. 238 of "the Merchant Shipping Act, 1894" [margin: Feb 4/98 London Gazette] it is provided that where it appears to Her Majesty that due facilities are or will be given by the Government of any foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, Her Majesty may, by Order in Council, stating that such facilities are, or will be given, declare that that section shall apply in the case of such foreign country, subject to any limitations, conditions and qualifications contained in the Order.

And whereas it appears to Her Majesty that due facilities are given by the Government of Japan for recovering and apprehending seamen who desert from British merchant ships in that country:

Now, therefore, Her Majesty, by virtue of the power vested in Her by the hereinbefore recited subsection (one) of Sec. 238 of "the Merchant Shipping Act 1894" and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that the said section 238 of "the Merchant Shipping Act 1894" shall apply in the case of Japan.

And whereas the immediate operation of this Order is urgent, this Order shall come into operation forthwith, and shall be a Provisional Order within the meaning of "the Rules Publication Act 1893."

And the Secretary of State for the Home Dept., the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

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p. 122 of the original file (handwritten)

At the Court of Windsor on the 19th day of May 1898.

PRESENT

The Queen's Most Excellent Majesty in Council.

Whereas by subsection (one) of Sec. 238 of "the Merchant Shipping Act 1894" [margin: May 20/98 London Gazette], it is provided that, where it appears to Her Majesty that due facilities are or will be given by the Govt. of any foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that that section shall apply in the case of such foreign country, subject to any limitations, conditions & qualifications contained in the Order:

And whereas it appears to Her Majesty that due facilities are given by the Govt. of Japan for recovering & apprehending seamen who desert from British merchant ships in that country.

And whereas Her Majesty was pleased, by and with the advice of Her Privy Council, on the 3rd day of Feby. 1898 to pass a Provisional Order applying Sec. 238 of "the Merchant Shipping Act 1894" in the case of Japan:

And whereas the provisions of Sec. 1 of "the Rules Publication Act 1893" have been complied with:

Now, therefore, Her Majesty, by virtue of the power vested in Her G. the hereinbefore recited subsection (1) of Sec. 238 of "the Merchant Shipp[in]g Act 1894" and by or with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that the said section 238 of "the Merchant Shipp[in]g. Act 1894" shall apply in the case of Japan.

And the Sec[retary]. of State for the Home Dept, the Sec[retar]y. of State for the Colonies, and the Sec[retar]y. of State for India in Council, are to give the necessary direction herein accordingly.

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p. 123 of original file

In Satow's handwriting, part of a note.

instead of "not be required – sitting as Assistant Judge"

say

"may possibly be required to the end of the year. There is at the present moment a bankruptcy case pending, and it is impossible to foresee what cases may be brought before the Court between the present date and July 17."

59. Wilkinson to Satow (p. 124 in original file)

Yokohama,

Feb. 21. 1899.

My dear Satow,

I return herewith the draft sheet about "re-arrangements" and your proposed amendment, which I think quite covers the ground. If I were to suggest any alteration it would be the addition of the words "which may last for a lengthened period" which were in your original draft as applied to the bankruptcy case – so that it might read:

"may possibly be required to the end of the year. There is pending at the present moment a bankruptcy case which may last for a lengthened period, and it is impossible to foresee what cases may be brought before the Court between the present date and July 17."

I shall explain later the difficulty of Bonar carrying on as Assistant Judge after the final departure of the Judge. The difficulty you refer to of his being Acting Judge arising out of his being ex officio Assistant Judge can I think be got over, without his having to act as Consul.

Yours very truly

H.S. Wilkinson

60. Wilkinson to Satow (p. 126 in original file)

Private

Yokohama,

March 3. 1899.

My dear Satow,

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

Thanks for your letter enclosing the Judgment in the Flood case.²² I have read it with great interest, and of course I agree with it. It is a very good judgment, though we would not accept hearsay evidence such as, “Kumagai Otojirō states that he had heard from a certain Itoyama that Pao Sing received wages from Flood.” The working out of the judgment left something to be desired. As recorded in Wileman’s memorandum, the course taken seems inexplicable. The control of process servers, however, has often given rise to difficulty. What seems a defect in the Japanese procedure is that too much is left to them. The Judgment gives no directions. If it did, they would probably be that the matting was to be given up to the plaintiffs on their giving security to abide [by?] the result of an appeal, and then there would be no question of putting them back in the original godown. The plaintiffs were no doubt right to compromise, as they ran some risk on an appeal. I am glad the case has been settled so satisfactorily as it has. I have no doubt your intervention has had an effect, although the matter has not been brought before the Court in the way our procedure would require.

I return the judgment and memorandum.

Yours very truly

H.S. Wilkinson

61. Wilkinson to Satow (p. 128 in original file)

Private

Yokohama,

March 6. 1899.

My dear Satow,

This case which Playfair refers to is the one I mentioned to you on my return from Hakodate. I then expressed the opinion, in which you concurred, that the trust should be taken over by Wileman as Vice Consul, and administered by the Vice Consul for the time being. In similar cases which may occur after July next, such administration will fall on the Consul or Vice Consul. In the present case it seems to me better that the trust should devolve on the Vice Consul, leaving the supervision to the Consul, as Judge. I suggested to Playfair that he should arrange with Hall for Wileman taking it over but

²² Chartered Bank and Flood case, decided in the Kobe regional court. Flood & Co., a company owned by American George Flood traded illegally in mats and camphor outside the foreign settlement at Fukiai-mura and then went bankrupt. All the employees ran away with Japanese suppliers unpaid. The issue was the ownership of the goods in the warehouses, which the Bank claimed as security on loans made. In October 1898 the Kobe District Court allowed mats to be taken from the warehouse and held by bailiffs. The bank manager (G. B. Webster) and the British consul protested to the Court and the Hyogo governor. Finally on 20 February 1899 after much discussion the Court reversed its decision. (Nagaoka vol. 2, pp. 165-66, based on F.O. archives)

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this he does not seem to have managed. An intimation from you to Hall that Wileman ought to take charge of it as an official trustee will, I have no doubt, be effectual and I shall be prepared to make the necessary Order on learning that he is willing to act.

Yours very truly

H.S. Wilkinson

P.S. I return Playfair's note.

62. Wilkinson to Satow (p. 129 in original file)

Yokohama,

March 7. 1899.

My dear Satow,

I enclose a statement showing the number of bills of sale registered in the Court here since 1879. As you will see, there have been 92 registered in twenty years, or an average of less than five a year. It is to be remembered, however, that a bill of sale as described in the Acts for the registration of bills of sale is a document of a very limited scale. It is (practically) limited to documents giving a lien on goods to secure a loan or debt – the possession of the goods remaining with the owner, or at least not passing to the lender or creditor. It does not include a pledge. And it does not include documents such as warehouse keepers certificates, or warrants or orders for the delivery of goods, used in the ordinary course of business. A large proportion of bills of sale are given over [to] household furniture remaining in the possession of the owners, and the Japanese law does not seem to allow any validity to such documents. The matter so far as it concerns such bills of sale is not one of very great practical importance as the numbers registered in late years has been so very small. The question of the registration of mortgages and transfers of land on the other hand is very important, and the Government is doing well in taking power to deal with it by Imperial Ordinance.

Yours very truly

H.S. Wilkinson

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(p.131 of original file)

Number of Bills of Sale registered in H.B.M.'s
Court for Japan 1879 to 1898

1879 – 10	1889 – 3
1880 – 7	1890 – 4
1881 – 5	1891 – 2
1882 – 5	1893 – 2
1883 – 11	1894 – 9
1884 – 7	1895 – 3
1885 – 8	1896 – 2
1886 – 3	1897 – 1
1887 – 3	1898 – <u>2</u>
1888 – 2	Total <u>92</u>

63. Wilkinson to Satow (p. 132 in original file)

Yokohama,

March 8. 1899.

My dear Satow,

It is clear from the precis you sent me for perusal that the question of mortgages will very soon come up for consideration. I do not anticipate any difficulty as regards the acknowledgment by the Japanese authorities of the validity of the registration made at our Consulates, but another very important question will present itself as to the effect to be given to the mortgages that have been registered. And what rights will the mortgagees be allowed to enforce? Will they be entitled to the rights acquired under English law, or will they be cut down to the rights allowed by the Japanese Code to mortgagees of immovables? The matter is one which requires elaboration, but it may be enough for the moment to say that there will be such a question, and I am of opinion that the fairest way of settling it is to arrange, if it can be done, that the rights which mortgages may have on the 17th of July may be secured to them – and, in fact, generally, that the rights and obligations of mortgagors and mortgagees and of transferors and transferees should not be altered by the change of jurisdiction except as to transactions by way of mortgage or transfer which may be entered into after the change comes into effect.

Yours very truly
H.S. Wilkinson

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Satow's reply to Wilkinson (noted on letter)

9/3/99

My dear W.

I think with you that in connexion with mortgages held by British S[ubject]s. of land in the foreign settlements it would be well to take vis à vis the Japse. Govt. whatever steps may be necessary to protect the rights of mortgagors & mortgagees, as it w[ou]ld. manifestly be inequitable to apply the Japse. law of mortgage in such a way as to diminish or increase the value of the security.

I am not competent to say what the effect of applying the law of Japan w[ou]ld. be but a statement on this subject w[ou]ld. be very useful if you cld. find time to prepare it for me to give to Visct. Aoki.

I see a notice in the Gazette that you are to take the chair at a meeting today for the app[oin]tm[en]t. of trustees for the accumulated funds of the foreign Cemetery. [James] Dodds [of Butterfield & Swire] spoke to me on this subject a good long time ago, & I had my doubts whether, looking to Art. XVIII para. 3 of our Treaty, & the Agree[men]ts. of Dec. 19. 1864 III and Dec. 29/66 Art. VIII this c[ou]ld. rightfully be done. I cannot help thinking that the cemetery funds are of a municipal nature, & that it w[ou]ld. not be fair to place them out of reach by creating a trust. I do not know what my colls: [i.e. diplomatic colleagues, fellow envoys] think about this question & it w[ou]ld. be indiscreet to sound them since by the publication of this notice your name has become connected with the movement. I sympathize with the deep personal interest you have in the future of the cemetery, but would rather the conveners of the meeting had asked a private member of the community to take the chair.

Will you kindly let us have back the protocols of the conference of 1886-7. We have no other copy, & are frequently wanting to consult them.

y.v.t.

E.S.

P.S. Another point about land in the foreign settlements. Under what category known to Japse. law do these perpetual govt. leases come? And if under none, some legislation is necessary.

E.S.

Summary of letter on same page

"H.S.W. 1899. Mar. 8. Mortgages, necessity of providing that the interests created by them are left untouched."

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64. Wilkinson to Satow (p. 134 in original file)

Private

Yokohama,

March 10. 1899.

My dear Satow,

You will have seen the resolution passed at the Cemetery meeting. In my note of yesterday I expressed the opinion that the action of the meeting would not prejudice any question arising out of the new treaties as to Municipal Funds, and in this opinion I am confirmed. The resolution will not prejudice the question as to whether the funds are or are not municipal funds within the meaning of the treaties or as to their final disposal if it should be held that they are municipal funds. The money is now in the hands of the Cemetery Committee subject to such directions as may be given to them by the Community, and subject also of course, both as to the Committee and the Community, to the condition that it can only be used for cemetery purposes. The direction now given is that the capital is not to be expended, but only the interest, and the Committee are for that purpose to invest the capital, and to have a declaration of trust made out with regard to it. The trustees, who are the Committee, will be in Japan, and the investments will be in Japan, and the trust deed will show that the investments – whatever shape they may take – form part of the Cemetery funds, and, if such funds are payable to the Japanese Government, these investments must be paid over to them. There will, I expect, be no question of compulsion. If the Foreign Ministers are of opinion that the money is payable to the Japanese Government the Trustees are not at all likely to question their decision. And, if they should feel inclined to resist, as they and the money will be subject to the Japanese Courts, they will have to obey any order those Courts may make in the matter. What is being provided against is the approaching closing of the Cemetery, and the consequent cessation of income. Whether the charge of the Cemetery, with the funds belonging to it, falls to the Japanese Government under the new treaties, and whether, if so, it is expedient for them in their own interest to assume the charge are questions about which a good deal may be said.

All that is necessary to say now is that these questions are not affected by what is being done.

Yours very truly

H.S. Wilkinson

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65. Wilkinson to Satow (p. 136 in original file)

Private

Yokohama,

March 10. 1899.

My dear Satow,

I am writing separately about the Cemetery. If the Committee had wished to put the funds out of the reach of the Govt they might have expended them in a more permanent walling in of the Cemetery, or, while keeping the capital intact, they might have tried to put the money beyond the reach of the Japse. Courts. I should not have taken the chair at any meeting for that purpose. Nor should I have taken it in any case, if I had thought you would rather I did not. But it was too late when I got your note to make any change.

I shall make some notes about mortgages as you suggest, and I should like to return to the subject of the Cemetery, for as you say I take a deep personal interest in it.

The protocols went up yesterday evening.

Yours very truly

H.S. Wilkinson

66. Wilkinson to Satow (p. 138 in original file)

Yokohama,

April 26. 1899.

My dear Satow,

I send herewith the memo about differences between our law and the Japanese Codes in the matter of leases, mortgages &c. I might have laboured further at the details of these differences, but I hope you will consider enough has been said to justify the conclusions arrived at, and the suggestions made by way of remedy.

Yours very truly

H.S. Wilkinson

P.S. I have not signed the memo as you said you might show it to Aoki. This is too late for tonight's messenger, and will go up by first train in the morning.

67. Wilkinson to Satow (p. 139 in original file)

Yokohama,

May 11. 1899.

My dear Satow,

I went up to Miyanoshta on Monday to be out of the hurlyburly and came back yesterday. As I telegraphed to you this morning, I propose to leave for Kobe and

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Nagasaki by the "Hohenzollern" tomorrow. There are three matters to be disposed of in Kobe, including an assault case, and the trespass case at Nagasaki. I hope to get back by the Empress on the 26th, but I may be kept longer at Nagasaki. Longford writes that it is desirable that I should bring Parlett with me, and I am taking him. It is usual in any case for the Judge to have his associate when going circuit. I am arranging for Leopold to be taken to Hongkong by the P. & O. [Peninsular & Oriental] steamer on Wednesday next.

I have received your despatch with a copy of the protocol. I am glad it has been signed, and that that question has been put on a satisfactory footing.

Yours very truly

H.S. Wilkinson

68. Wilkinson to Satow (p. 141 in original file)

Yokohama,

May 18. 1899.

My dear Satow,

Many thanks for your kind invitation for the Queen's birthday, but the earliest day I can get back to Yokohama is the 25th. I propose returning by the Empress leaving this on Monday next, if the case here, which is to begin tomorrow morning is then finished, as I hope it will be. The plaintiff has brought a lawyer from Kobe, and the defendant one from Shanghai. I disposed of one case at Kobe on my way through. There are others which will have to be attended to there, but they are not ready yet.

Yours very truly

H.S. Wilkinson

69. Wilkinson to Satow

Yokohama,

May 31. 1899.

My dear Satow,

I enclose decipher of a telegram from Longford. I am replying that I am referring the matter to you. So far as it is a matter of law, there is no objection to his backing the warrant, but there is no absolute obligation to do so, and it becomes a matter for consideration what would H.M.G. wish done in the matter. If the case arose **[rest of letter not on microfilm. Checked original]** in China in a case of absconding from Japan, I should without hesitation advise that the warrant should be backed. I have no doubt of our right under the treaties with C. & J. to deal with British subjects absconding to C. or J. either in matters of a purely criminal character or in cases of a

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civil nature where the absconding gives a right of arrest. But H.M.G. have not insisted on that right in Japan in the case of absconding criminals coming here, but have waived it in the two last cases. It is therefore a question whether H.M.G. would wish H.M. Consuls to take part even by giving permission in the arrest of an absconder with a view no doubt to his rendition to Shanghai, where Japan has so vigorously protested against our arresting our own subjects in similar circumstances. It is a matter of competing courtesy towards the Jap[ane]se. Gov[ernmen]t. & towards the German Gov[ernmen]t.

Yours very truly

H.S. Wilkinson

Summary of letter on next page in Satow's handwriting

"May 31. 99. Backing warrant question in case of foreign fugitive on board British ship."

p. 145 of original file – Decipher of Longford's telegram

Cypher K.

Nagasaki

May 31. 99

11.40 am

Secret.

Propose refuse German Consul request to endorse warrant of arrest on board expected British vessel German subject absconding from Shanghai civil debt only.

Longford.

70. Satow to Wilkinson (p. 146 in original file)

Copy ²³

Tokio.

June 1. 1899

My dear Wilkinson,

A similar case arose at Yokohama in March, and Bonar wrote privately to me to ask my opinion. ²⁴

In the case that occurred in 1897 during my absence in England when Troup backed a Danish warrant under similar circumstances the F.O. on the matter being reported made

²³ This copy may not be in Satow's handwriting. The handwriting seems quite different from Satow's normal one. Written by an office clerk?

²⁴ See letter no. 49, Bonar to Satow, 23 March 1899 in PRO 30/33 6/3 above.

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no answer.

I wrote to Bonar that I saw no harm in his backing the warrant if he should be asked to, and even in his sending a constable to look on while it was executed.²⁵ He could then leave the French consul to fight out the question with the Japanese. His backing the warrant did not commit him to any expression of opinion on the international question

I believe the matter [was?] dropped, as the expected fugitive did not come here. I enclose for your perusal the letters that passed between Bonar and myself.

It is probable, from what Leyden said to me last night when I told him of the German consul's request to Longford, that the consul will get instructions not to arrest the man. But it is also possible that Leyden may forget. His consul had not informed him.

My reply to Longford accordingly would be that there is no objection to his backing the warrant, and even in sending his constable to look on, provided he goes no further, and the German Consul is made aware that he will have to fight the question with the Japanese Authorities unaided.

I should consider myself of course bound in the case of a British subject whose arrest was asked for by the waiver mentioned in your letter of yesterday.

Yours very truly

S[igne]d. Ernest Satow

P.S. Please return me the enclosed correspondence.

S[igne]d. E.S.

71. Wilkinson to Satow

Yokohama,

June 1. 1899.

My dear Satow,

The answer which you propose should be sent to Longford appears to me to be perfectly correct. Our action would be non-committal. As to the sending of the answer, I have, to prevent misapprehension, telephoned to Crowe, suggesting that it should be sent by you direct. My telegram to Longford, saying that the matter had been referred to you, would prepare him to expect a telegram from you, but I am not quite sure on perusing your note whether you wish me to telegraph or not. It is of course of no importance which of us sends the answer, and, if you wish me to wire, I shall do so in the sense you suggest, but, as I have mentioned to Crowe, I shall wait until I hear from you again before doing so.

²⁵ See letter no. 59, Satow to Bonar, 24 March 1899 in PRO 30/33 6/3 above.

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

I return as requested the correspondence enclosed in your note.

Yours very truly

H.S. Wilkinson

P.S. As I close I learn that you have wired to Longford.

72. Wilkinson to Satow (p. 150 in original file)

Private

Yokohama,

June 20. 1899.

My dear Satow,

I think your proposed reply to [J.H.] Brooke's ²⁶ second letter is amply sufficient. Indeed, his letter seems to me nothing but a quibble. What he asked you for in his first letter was really an interpretation of the addendum, and, in telling him that it was capable of no interpretation which would give him the privileges referred to, you assumed that British subjects were entitled to any privileges which the addendum, as properly interpreted, was intended to give, but as properly interpreted it did not give to anyone such privileges as he suggested.

If one wished to give an argumentative reply, one might say this (omitting of course what I have said about a quibble) but your reply as drafted is better, and, as I say, I think is amply sufficient.

Yours very truly

H.S. Wilkinson

[Satow's handwriting: "June 20. 99. H.S.W. Brooke corresp[onden]ce ab[ou]t. wohl erworbene Rechte & newspapers."]

²⁶ Proprietor and editor of the *Japan Herald* John Henry Brooke, 1826-1902. Brooke's father was sometime editor of the *Stamford Mercury* in England. He was in Australia (1853-67) and elected to the Legislative Assembly in 1856. He then came to Japan and died in Yokohama. "In general Brooke was sound and well informed. As a politician he was resolute and practical. He was not eloquent but spoke logically, forcefully and convincingly. However, he had an irascible temper and other marked traits not uncommon with the self taught. Prone to deprecate others, he was acutely sensible of any innuendo touching his own rectitude. Instead of disarming his opponents by a candid and familiar manner he repelled foes and often friends by an unsympathetic severity. Yet he was one of the ablest democrats and land reformers of his time." (*Australian Dictionary of Biography* <http://adb.anu.edu.au/biography/brooke-john-henry-3065> accessed 18 July 2011)

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

73. Wilkinson to Satow (p. 151 in original file)

Private

Yokohama,

June 26. 1899.

My dear Satow,

I am very glad you are sending the circular you speak of. The corresp[onden]ce that has been published might, in the absence of instructions, lead some of the Consuls to take a wrong view of the question. Better they should start right. Of course, as you say, it is not necessary to send a copy to me.

Yours very truly

H.S. Wilkinson

74. Wilkinson to Satow (p. 153 in original file)

Private

Yokohama,

June 28. 1899.

My dear Satow,

I return herewith the papers re Leopold. Your proposed reply seems quite to meet the case. As A.E. Leopold's letter was written before he could know of his brother's removal to Hongkong, and seems to contemplate that the letter would reach you before the removal, it might perhaps be well to add a paragraph saying that he is now in Hongkong prison, having left this on the 17th May, and reached Hongkong on the 24th of May.

Perhaps the second paragraph might begin thus:

"I am further instructed by H.M.'s Min. [Her Majesty's Minister] to inform you that your brother has already been removed to Hongkong, having left this on the 17th of May and having reached Hongkong on the 24th of May, but H.M.'s Min. considers &c."

I shall look into the Patents Convention this evening, and write you tomorrow.

Yours very truly

H.S. Wilkinson

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

75. Wilkinson to Satow (p. 155 in original file)

Private and Confidential

Yokohama,

June 29. 1899.

My dear Satow,

I return herewith the papers concerning Mr Baird's application for a patent.

It does not appear by Mr. Silver Hall's ²⁷ letter or the enclosures whether Mr. Baird has patented his invention, or applied for a patent, in New Zealand. I would assume that he has done so. The fact has a bearing on his rights to protection for his invention in Japan.

By the F.O. Notification of Jan'y 1, 1897 (Hertslet XX p. 789) it appears that British subjects are entitled to the benefit of Art XVIII of the German Treaty of April 4, 1896, and by the Protocol of the 20th October, 1897 (Hertslet XX p. 791) it appears that they are entitled to the benefit of Art. XVII of the British Treaty of July 16, 1894, which is in practically identical terms; and I am of opinion that Mr. Baird is as much entitled as any other British subject to the benefits of both sections – to the first under the m.f.n. clause of the Treaty of 1858, which, it has never been doubted, applies to all British subjects, and to the second under the interpretation of the Treaty of 1894 adopted by our F.O., and with which, as you know, I cordially agree. But it appears to me that the benefit is of no practical value to Mr. Baird under the circumstances.

He is by Art XVII to enjoy "the same protection as native [Japanese] subjects in regard to patents."

Now, by the Japanese Law (The Revised Patent Law Art II) among the inventions which cannot be patented are "Things which have been known to the public, or have been in public use, before the application for a patent," and it has, I believe, been decided that a thing is known to the public if it has been patented, or a patent has been applied for, in any other Country, before the application for a patent has been made in Japan. As already mentioned, I assume that this has been done in this case, and that if the objection to Mr. Baird on the ground of his residence in New Zealand were removed, and his right as a British subject vindicated the victory would be a barren one so far as he is concerned. If that objection had been made in correspondence between you and the Japanese authorities you might have felt constrained to fight the matter out, but I understand that it is not so, and I do not consider the case a good one on which to initiate a discussion as to the rights of Colonial subjects.

²⁷ W. Silver Hall of Takada Co., Yuraku-cho 1-chome.

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Under the Convention of 1883 Mr. Baird's position may be much stronger. He will undoubtedly be entitled to the benefit of that Convention after July 15th, just as if it were a convention between Japan and H.M.G. on behalf of New Zealand, and between them alone, and the fact of New Zealand not adhering to the Treaty of 1894 can make no difference.

Art II of the Convention is practically to the same effect as Art XVII of the Treaties, and under that article alone Mr. Baird's position won't be improved. But under Art IV of the Convention and Art XIV of the Revised Patent Law he will have seven months after his application for a patent in New Zealand to make his application for a patent in Japan. The question then arises, what is the date of his application for a patent in New Zealand. If it was subsequent to the 17th of December last, he can be in time by making application on the 17th of July. If his application in New Zealand was prior to the 17th of December, then I don't see how he can get a patent in Japan at all.

With regard to your proposed reply to Mr. Silver Hall, I would suggest for consideration a slight alteration, that is, to begin the second paragraph thus: "With regard to the last paragraph of your letter I may inform you" on down to the end "adhesion or non adhesion to the Treaty of 1894" and then add something like this: "Under these circumstances it does not seem necessary to consider what rights Mr. Baird may have under Art XVII of that Treaty. All the rights given by that Article are given by the Convention and other rights besides." I am afraid, if you say "I am not at present in a position to give you a definite opinion with regard to Mr. Baird's rights as a B.S. under Art XVII" it might be construed as saying that as at present advised you are not in a position to say whether Mr. Baird has the same rights as other British subjects or not under Art XVII. Of course under the interpretation of the Treaty adopted in the F.O. Mr. Baird has exactly the same rights as any other B.S. under the Treaty. This position [position?] works out quite consistently, but I need not elaborate the point now.

Yours very truly

H.S. Wilkinson

76. Wilkinson to Satow (p. 159 in original file)

Yokohama,

July 17. 1899.

My dear Satow,

As I telephoned yesterday I am leaving for Hakone by the 9.30 train. I propose to come down about the 24th and wait here until the 4th of August. Our old friend Enslie's

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estate has given rise to a suit in which his sisters in Scotland are concerned, and I have had to give them four months in which to answer. I have fixed the hearing now for the 12th of December, to avoid the necessity of giving them four months further notice after their answer is sent in.

Yours very truly

H.S. Wilkinson

77. Wilkinson to Satow (p. 161 in original file)

Yokohama,

July 27. 1899.

My dear Satow,

Herewith the memorandum about marriage. By referring to the Code, you will see that it is contemplated that Japanese should marry abroad according to the Japanese law by notification to the Consul. This appears from section 777 and the reference there to sections 775 and 776. This is in effect marriage before a Consul.

Yours very truly

H.S. Wilkinson

78. Wilkinson to Satow (p. 162 in original file)

Hakone,

Aug. 19. 1899.

My dear Satow,

Thanks for your note about the O. in C. [Order in Council]. I expect it will be in very general terms to the effect you mention. If so, nothing more will be required but to provide for cases pending when the Court is finally closed, my idea being that all such cases should be dealt with by the Supreme Court at Shanghai. But it is time enough to make representations on that subject. As I mentioned to you my idea is that after the present progression[?] or list of cases is worked off there will still remain something to be done for which the Court ought to be kept alive, say, till the end of next year. By that time there ought to remain very little more than the possibility of further applications which might rightly be made and attended to, and there would be no hardship in having such cases dealt with in Shanghai. When the time comes for me to leave either for Shanghai or for home the Assistant Judge could be made Acting Judge for such time it might intervene before the closing of the Court.

I may possibly be down in Yokohama about the end of the month, but in any case I shall go down should you want to see me. Boyce was lucky in being in Chiuzenji. We

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have had driving mist for about a fortnight. It still continues but it ought soon to clear up. Lady Hannen has been very ill. Dr. Little had Wheeler up on Tuesday, but since then she has been a good deal better, although I am afraid she is not yet quite out of danger.

Yours very truly

H.S. Wilkinson

79. Wilkinson to Satow (p. 164 in original file)

Yokohama,

Oct. 2. 1899.

My dear Satow,

I return herewith Longford's despatch No. 20 with a Memorandum which I would suggest should be sent to Rentiers in a desp. of which I enclose a draft. Rentiers could not be expected to furnish a report himself, as some of the entries said to be irregular were made by him.

Yours very truly

H.S. Wilkinson

80. Wilkinson to Satow (p. 165 in original file)

Private

Yokohama,

Oct. 13. 1899.

My dear Satow,

I have duly received your despatch about Moss. The question whether he can be dispensed with on the 1st of April next will very largely depend on the winding up of Leopold's bankrupt estate. The committee of creditors are to meet in a few days to settle whether it is worth while proceeding against some Japanese debtors for large amounts. If they decide to abandon those claims the estate can be wound up probably by April, and I should think on consideration of their chances of doing any good they will probably take that course. In the meantime I shall wait to see what is done at the meeting before writing you further officially.

Yours very truly

H.S. Wilkinson

81. Wilkinson to Satow (p. 167 in original file)

Private

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Yokohama,

Oct. 26. 1899.

My dear Satow,

[Acting Registrar] Parlett is now going into the accounts of a very large estate, and there is some other work which I should like him to do before he leaves, but I should hope that he would get through it, say, by the middle of next month, at any rate before the 20th, the second date you name. Most of the work I wish him to do is connected with matters in which Moss has acted as official administrator or some other official capacity, and in which it is right that Moss should not be as it were put to check himself. But when that is done Moss will be able to do the whole work both of Chief Clerk and Registrar, and I would propose to ask you to make him Acting Registrar without any additional salary, so that he may be in a position to sign documents in that capacity. I have not spoken to Moss on the subject, but I have no doubt he would be glad of the acting appointment without asking for any emolument, over and above his present salary. Parlett is fully impressed with the desirability of getting through the work, and I do not anticipate anything to prevent him being with you by the 20th.

As to the Judge's Chair and Canopy, I should not like them to be sent away just yet, as there may yet be a case to be heard in public, and if it should be so heard it would lead possibly to disagreeable remarks if the court were dismantled.

I shall, however, reply officially to the despatch on that subject and to the one about Moss's pension. I should like to be able to have his services after April if required, as I suspect they will be, unless some one in the Consulate could be allowed to do whatever clerks and registrars work there might be to do.

Yours very truly

H.S. Wilkinson

82. Wilkinson to Satow (p. 170 in original file)

Private

Yokohama,

Oct. 30/99.

My dear Satow,

The case I mention as put down for hearing in December is the one relating to Enslie's estate. If Enslie's sisters authorise some one to appear for them the hearing will probably be in private all parties consenting. Otherwise it may have to be in public.

Yours very truly

H.S. Wilkinson

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83. Wilkinson to Satow (p. 171 in original file)

Nov. 13/99.

My dear Satow,

I have duly received your note with the papers about the Nagasaki registers. I propose to write a short memorandum which you might send to Longford, if you approve of it. The matter is now reduced to small dimensions.

I propose to devote the Race Week[?] to the clearing up of some non-contentious business at Kobe. I shall try at the same time to have one of the cases pending there brought to a hearing.

I came up today to call on the Aokis.

Yours very truly

H.S. Wilkinson

84. Wilkinson to Satow (p. 172 in original file)

Novr. 16.1899.

My dear Satow,

I have just received your note and enclosure. I had intended leaving on Sunday for Kobe, but a day or so later will make no difference. I could go up on Sunday morning, and I would look into the subject before then.

Parlett is getting through the special work I wanted him to do, but I think he would probably like to have till the 22^o to complete it. He will be able to leave then.

Yours very truly

H.S. Wilkinson

85. Wilkinson to Satow (p. 173 in original file)

Nov. 21.1899.

My dear Satow,

We have all been busy the last two days in preparing for Parlett's departure, and he now tells me that if he has until Friday evening he is sure to have his work done. I have drafted a despatch saying I have instructed him to report himself at the Legation on the 25th (Saturday next) and that I have retained his services with your permission for a few days beyond the date named in your despatch. I understood from you that I might do so. I shall send on the despatch tomorrow unless I hear from you that you would like to have him sooner.

The draft is not finished yet, but I shall send it in a day or two.

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Yours very truly

H.S. Wilkinson

86. Wilkinson to Satow (p. 174 in original file)

Novr. 22. 1899.

My dear Satow,

I have looked again at Moss's lease. In one way, I think the assumption underlying the negative form is even stronger than the positive form in conveying the idea that the holding of the houses is subject to the payment of the rent for the land. As you say, the provision about buildings does not appear in the Kobe, Osaka or Tokio leases, and it will be right to call attention to that. The argument as to transfers carrying the buildings is of some weight, but I think perhaps the strongest argument is that the land was leased for the purpose of erecting buildings on it, and for no other purpose. This is brought out, I believe, in the correspondence between the International Committee and Mitsuhashi, which I have not before me, but which I think went to show that even under our new treaty. Mitsuhashi's idea is that the right of a foreigner to have a garden depends on its being attached to a house and suitable for the occupation of the house.

Yours very truly

H.S. Wilkinson

87. Wilkinson to Satow (p. 176 in original file)

Private

Nov. 24. 1899.

My dear Satow,

The new O. in C. [Order in Council] about jurisdiction has come out in the Gazette of Oct. 17. It is dated 7th October. You may possibly have had copies sent to you. There is also an O. in C. of the same date on the subject of the Japanese accession to the International Convention and Protocol for the Protection of Industrial Property.

Parlett finishes his work here this evening, and I am writing to you in the sense I mentioned about the desirability of appointing Moss Acting Registrar.

I have been so occupied with court work preparatory to Parlett's departure that I have not been able to look into the land question. I shall do so tomorrow.

Yours very truly

H.S. Wilkinson

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88. Wilkinson to Satow (p. 178 in original file)

Private

Nov. 28. 1899.

My dear Satow,

Herewith the draft. I am sorry it has taken so long, and I am sorry it is so lengthy now that it is written. I think I have touched in it on all the points you mentioned. But there is still one point to be dealt with – the registration of transfers. You told me, I think, that Aoki had promised to have a satisfactory arrangement made.

The draft does not refer to the subject, and some reference seems necessary to complete it, as the point was raised in your memorandum to which Aoki's is a reply.

The points upon which you would like instructions are not mentioned. I think you have already asked for instructions in your previous despatch. They seem to be raised clearly enough in your memorandum and Aoki's reply.

I thought of getting off to Kobe tomorrow, but I shall wait now till Thursday. I have to be back by the 12th for the Enslie case.

Yours very truly

H.S. Wilkinson

89. Satow to Wilkinson (p. 180 in original file)

Copy

Tokio

29 November 1899

Conf. [Confidential]

My dear Wilkinson,

I have recd. a message fr[om]. Visct. Aoki regarding the case in w[hi]ch. Reynell²⁸ is a defendant, to the effect that as the deft. has made application to have the case transferred to the Japse. Courts, he is most anxious that you sh[ou]ld. not oppose this.

I do not know whether you can deal with this matter in accordance with his wishes, but if when the case comes before you, you find it possible to comply with his desire, I may say that it will give me satisfaction.

²⁸ Satow met the merchant H.E. Reynell in Kobe on 30 April 1896 (Satow's diary), and spoke to Aoki about the case on 7 September and 30 November 1899 (diary). On the last date he wrote: "Case agst. Reynell. In reply to his message of the other night thro' Whitehead told him that it was impossible for me to give Wilkinson 'instructions' not to hear the case. He explained he had been told that plaintiff not having pursued the action, defendant had applied to have it dismissed, which he thought was a favourable opportunity to get rid of it, especially as it was bought on 30 July." In the end it was arranged that Wilkinson would hear the case as arbitrator (diary, 14 December 1899).

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y.v.t.

E.S.

90. Wilkinson to Satow

Nov. 29. 1899.

My dear Satow,

If the Reynell case comes before me, Viscount Aoki's wishes cannot possibly be allowed to influence the decision one way or the other.

The case is somewhat similar to the one referred to in Mowat's despatch to the Legation, No. 2, of the 3rd of May, 1892, and I think you will find that that despatch was forwarded to the F.O. and that Mowat's views met with Lord Salisbury's approval.

Yours very truly

H.S. Wilkinson

91. Wilkinson to Satow (p. 184 in original file)

Yokohama,

Decr. 13. 1899.

My dear Satow,

I got back from Kobe on Monday afternoon. While I was there I had a good deal of work put through, but the Reynell case was not ready for hearing, and there will not now be a public hearing. I was asked by Hall on behalf of the parties to take the case as arbitrator. To this I agreed, and I understand from Hall that an order has been made by consent referring the case to me in that capacity. I am to be told when the parties will be ready, which I expect will be about the middle of January, when I shall have to go to Kobe again.

I had the Enslie will case before me yesterday, but Counsel were not prepared to go on, and the case was adjourned on their application to the 9th of January.

I quite agree with you that the Kent case ²⁹ is a very disagreeable one, and if it is

²⁹ A dispute between 3rd class engineer Horace R. B. Kent and steersman Umesako Toyomatsu. The *Tamba-maru* of Nihon Yusen Kaisha was moored at Moji when Kent blamed Umesako for smoking during working hours. Umesako denied it, and a fight ensued. Kent hit Umesako's right eye. Four other engineers came to Kent's aid and handcuffed Umesako, who sued Kent and his colleagues when the ship arrived in Yokohama on 3 October 1899 at the Yokohama Regional Court. The five men were arrested and confined in the police station. Medical doctors stated that Umesako's wound would take three or four weeks to heal. On 7 December Kent was given a six-month prison sentence, which was more lenient than the law stipulated for an injury taking more than 20 days to heal. The court also prosecuted Umesako and gave him a five-day sentence for biting Kent's leg. Kent appealed and on 29 January 1900 the Tokyo Appeal Court reduced his sentence to ten days.

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not righted on appeal you will have to take serious notice of it.

I am sorry to hear that your throat is troubling you, but I hope it will soon be all right again. It would have a better chance if you could get a change.

The weather at Kobe was pleasant, and the only disagreeable feature of my trip was the medical inspection, which is perhaps necessary.

Yours very truly

H.S. Wilkinson

92. Wilkinson to Satow (p. 186 in original file)

Yokohama,

Decr. 27. 1899.

My dear Satow,

I am glad to see that Akiyama hopes to get the judgment in the Kent case reversed. I trust for the credit of the Japanese judiciary he will succeed. I had begun to write some reflexions on the case suggested by the reading over of the papers with you.

But you know my opinion on it generally, and if the judgment is reversed, and a satisfactory judgment given, much that I might now say would be unnecessary.

I return the memo about the proposed amended ordinance. I hope the suggestions will be acted upon.

[Yokohama barrister A.B.] Walford ³⁰ was with me this afternoon to talk over registration matters. He agrees with me as to the desirability of giving effect to the Consular registers, although they ought not to be final. He mentioned that the Chairman of the International Committee [Dick Robison] had been informed by Viscount Aoki that an Imperial Ordinance on registration would be issued immediately.

Yours very truly

H.S. Wilkinson

(Nagaoka, vol. 2, p. 307).

³⁰ "16 Dec. [1899] A. B. Walford the lawyer came up to lunch, and afterwards discussed the land question till five o'clock. I showed him various papers, but told him that there was little that I could write to him officially, as the house-tax question had been sent home, so could not be decided for a couple of months. Even if the amended ordinance as to registration of foreigners' lands came out at once the question whether property includes buildings would not be solved thereby." (Satow's diary, Ruxton, 2003, p. 414). See also the entry for December 27th: "27 Dec. Bonar came up to lunch, and we discussed the Kent case and the land question. According to Walford British subjects would be willing to register their houses, if they were certain of their leases being recognized." (p. 415)

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93. Wilkinson to Satow (p. 188 in original file)

Yokohama,

Decr. 28. 1899.

My dear Satow,

I received this afternoon the following telegram from Hannen:

Leave granted

May 18 Hannen

which I take to mean that he proposes to start from Shanghai by the Empress of Japan, which leaves there on the 18th of May and arrives here en route on the 24th. If I am to act for him, and I hope I am, I should like to get away by the Empress of the 23rd of February on three months leave, so as to be back by the Empress arriving here on the 21st of May. I could meet Hannen here on the 24th, and go on soon afterwards to Shanghai. I have cases set down for the 5th, 9th and 16th of January and I expect most of the litigious work will be finished by the end of January, or at least by the middle of February, but there will be some work maturing which I could clear off on my return, so as to put things straight for handing over to Bonar with the prospect of his not having any difficulties to contend with.

Yours very truly

H.S. Wilkinson

94. Wilkinson to Secretary of Legation James B. Whitehead ³¹ (p. 190 in original file)

Yokohama,

Jany. 27.1900.

My dear Whitehead,

From enquiries I have made on the Consulate side, it would appear that the Usher and all the jail officials are returned as servants employed at the Consulate, and, upon this basis, the only persons whose salaries and allowances belong to the Court, as distinguished from the Consulate, are four –

The Judge,

The Crown Prosecutor,

The Registrar (or Acting Registrar),

and

³¹ Whitehead, James Beethom (1858-1928). M.A. (Cantab.) 1881. After service in Germany 1889-97, promoted to Secretary of Legation, Tokyo, October 1, 1898. Arrived in Tokyo May, 1899. Chargé d'Affaires, May 5 to November 27, 1900, and May-October 1901. Transferred to Brussels, October 26, 1901. (F.O. List, 1929).

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The Chief Clerk.

The Judge is excluded from present consideration by the terms of the telegram. But it is proposed that Moss should continue to serve after the Judge leaves under the superintendence of the Consul acting as Judge, and it is, I believe, Sir Ernest's intention that he should receive an allowance as Acting Judge.

Moss is at present Chief Clerk and Acting Registrar, and he was appointed to the latter post on the understanding that it did not carry with it any acting allowance. This was done at my suggestion, as I considered he would have very little additional work to do, and that the period of his further services would be very short. I find, however, that he has a good deal more additional work thrown on him than I anticipated, and his services will be required longer than I then thought would be necessary, and if he could be given the allowance of £50 a year assigned to that post, I do not think it would be anything more than right.

This disposes of three of the posts, and there only remains that of the Crown Prosecutor. The terms of his appointment will be found in Sir Francis Plunkett's letter to Mr. Litchfield of April 16, 1885, of which a copy was sent to this Court in desp. No. 4 of April 7, 1885. You will see that his duties in addition to those of a Crown Prosecutor strictly so called are "to advise H.M. Consulates in Japan upon such points as they may from time to time refer to" him. It is a matter for consideration whether his services ought to be retained for this purpose, and if they are what his remuneration ought to be. In his case it would probably be considered right that any new arrangement would date in the ordinary way from the 1st of April, unless he was willing to give his advice to the Registrar in the winding up, as he has been good enough to do heretofore when occasion arose. In that case the new arrangement might come into effect when the Court is finally wound up. The time to be allowed for that I think may fairly be put down as the end of the year. I believe it can be done then, but scarcely before.

I think you will see from what I have said that it would not really be possible to send a satisfactory reply to the telegram without reference to Sir Ernest. There is another point. Some of the servants paid by the Consulate are spoken of as if they belonged to the Court – such as the Court Messenger – and their services may still be required for the Consulate even when the Court has been abolished. But, as Bonar is not at hand at the moment, I could say nothing definite on the subject.

Yours very truly

H.S. Wilkinson

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

95. Satow to Wilkinson (copy) (p. 194 in original file)

Tokio

25 February 1900 ³²

My dear Wilkinson,

Whitehead has shown me your letter of Jan. 27. As to an allowance for Moss as Acting Registrar, I think it will be better if you address me officially on that subject, and is it not rather £100 a year rather than £50. For some years past the Registrar has I believe only been “acting”, but has drawn £100 a year.

In proposing this grant of an allowance I should be glad if you could say when Moss is likely to be dispensed with, as in my consular desp. No. 12 of Feb. 22 last, which you will recollect was submitted to you, it was suggested that it would be possible to dispense with his services in April 1900, and I think nothing further has been said to F.O. on that point.

I see you are under an impression that I contemplate the Consul’s receiving an allowance as Acting Judge. That is not quite my idea. I have supposed all along that he would merely have to give signature now and then, and not have to decide questions of law. If this is so, I should not see my way to recommending an acting allowance, except during your absence on home leave.

In the consular desp. referred to I said that Litchfield’s services as Crown Prosecutor would be required until all criminal cases were finally disposed of, so that they will naturally suppose he is no longer needed. As to his advice to H.M. Consuls on such points as they may from time to time refer to him, that of course would be on points of English law, and I do not think that can be any longer necessary. His advice on Japanese law, if required by a Consul, would not be of any great value. As to his advice given from time to time to the Registrar in the winding up, if you think it likely to be required hereafter, and will officially recommend his appointment being continued for that purpose. I will of course forward it to F.O. The Court messenger has ceased to exist, I understand from Bonar.

y.v.t.

³² This letter from its date would appear to be filed in the wrong order, and should be the last in the file.

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Judge for Japan Hiram Shaw Wilkinson (Satow Papers: PRO 30/33 6/6. Oct 1896-February 1900)

96. Wilkinson to Satow (p. 196 in original file)

Yokohama,

Feb. 10. 1900.

My dear Satow,

Many thanks for your letter of today, and for sending the telegram embodying my recommendation.

I concur with you as to the acting allowance to the Consul after my departure in May or June. I hope to leave matters in such a state that the work of the Acting Judge will be reduced to a minimum. I intend that his duties will as far as possible be limited to those of superintending the details of winding up, involving practically no judicial decision. While I think it desirable that provision should be made for the disposal of any applications that may be made, I would hope they would be very few indeed. The work falling on the Consul as Acting Judge ought certainly not to be greater than, if as great as, those he would have[?] to perform as Assistant Judge if full jurisdiction had continued.

I have not made any official recommendation on the subject, as I felt that it might scarcely be considered within my province to go further than give my views if called upon.

Yes[?] I feel sure Gubbins will like to act at Seoul. It will be an opportunity of showing what he can do in a very different position.

Yours very truly

H.S. Wilkinson

[End of file]

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Acting Registrar for Japan. (Satow Papers: PRO 30/33 6/7. February 1896-June 1898)

Satow Papers: PRO 30/33 6/7

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Acting Registrar for Japan. (February 1896-June 1898)

1. Henry A.C. Bonar to Satow

6 February 1896

Dear Sir Ernest,

I shall be very grateful if you will assist me in the following matter.

I have lately been given notice to leave our present house at Miyazutu cho – for the reason that the house is to be or has already been sold. Our new house at Negishi cannot possibly receive us before the middle of April at the earliest, & our notice to leave is for middle of March. Under ordinary circumstances the interval would not signify, but in the event of being appointed to Hakodate it would be folly to install ourselves in a new house for a short space of time. The expense and discomfort thereof would be great. If you think therefore that it is possible to do it, would you be so good as to make telegraphic enquiry (at my expense if you think fit) from the F.O. as to whether “any appointment has been made to Hakodate.” If I hear that I have been appointed I shall not think of moving anywhere else, and can arrange to proceed there when you think proper. On the other hand, if no appointment has been made then it might be wise for me to settle in the new house when it is ready & dispose of our visitors by sending them to Kyoto – or at all events making some sort of arrangement for them. In the event of my going to Hakodate they would no doubt come up in the summer. I have no wish to bring in personal consideration but you will readily understand I am sure, that I should like to have an idea beforehand.

In the ordinary course there is I hope no reason for which the F.O. could possibly not act upon your recommendation of me for Consul at Hakodate, but the news by mail might take some months to reach here; meanwhile it might not seem unreasonable to the F.O. if it were inquired on my behalf whether the appointment to Hakodate has been made or not.

If you think that I could explain more satisfactorily than I have done in this letter my reasons for asking you to do this for me, I shall be delighted if you will allow me to come up to see you and explain more fully why I am so anxious to know about Hakodate.

Yours very truly

Henry A.C. Bonar

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Acting Registrar for Japan. (Satow Papers: PRO 30/33 6/7. February 1896-June 1898)

2. Wileman to Satow (p. 6 in original file)

[Satow's handwriting: "Ansd. the apptmt. is permanent. As to leave will have to take it when Hampden goes to Kobe & releases Chambers."]

No. 7B Bluff

Yokohama

Novr. 15. 1896.

Dear Sir Ernest,

Many thanks for your kind note in which you ask me whether I should like to exchange the Registrarship for the Vice-Consulate at Kobe which will be shortly vacant owing to Quin's resignation.

I should most decidedly like to exchange if it be your intention to recommend me for the permanent appointment of Vice-Consul at Kobe. The Registrarship will, I presume, be abolished in a few years time and I should therefore most certainly prefer to have the post at Kobe.

I should, however, be grateful if I might be allowed to take up the appointment on my return from home leave.

In connection with the question of my home leave I should like to say that should you find it convenient to grant Kenny a further extension (if he apply for it) it would not inconvenience me at all. In fact I should, in any case, be glad to postpone my departure until the end of March if possible, as I do not think my foot will be well enough to stand much knocking about for some time. Dr. Wheeler gives me to understand that he does not think it will be quite well until Xmas time. I broke a tendon of the left foot five years ago and was laid up for three weeks on and off. I go to the office now but cannot take any exercise and should much prefer, on returning home, to be in a condition to tramp about without incurring any danger of breaking the tendon again. If therefore you can see your way to letting me defer my departure for two or three months after Kenny's return on Decr. 27 I should esteem it a great favour.

Yours very sincerely

A.E. Wileman

3. Wileman to Satow (p. 8 in original file)

7B Bluff

Jany. 2. 1897.

Dear Sir Ernest,

I am writing to enquire whether you are now able to tell me the exact date on which I may leave for home. A friend of Layard's who has lately received a letter from him tells

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Acting Registrar for Japan. (Satow Papers: PRO 30/33 6/7. February 1896-June 1898)

me that Layard will arrive in Yoko' [Yokohama] on Jany. 17th but that he wishes, if possible, to spend some time in Yoko' to refit. Whether you intend to give him leave or not I do not know but I may observe that it would not inconvenience me at all if you did as I am in no particular hurry to get away this month. I intend returning home either viâ Honolulu or viâ Suez, but am not quite decided yet. The decision depends on a telegram I am expecting from India. If you think it is absolutely necessary that I should leave this month I should like to go either by the Honolulu mail of the 28th or else by the P. & O. of the 31st. I should however for a good many private reasons prefer to defer my departure until the P. & O. mail of the 14th Feby 16 if this be possible. I thought that I would mention this to you, as if you intend giving Layard leave, you might be able to take it into consideration.

Yours very sincerely

A.E. Wileman

4. Wileman to Satow (p. 10 in original file)

No: 7. B Bluff

Jany. 27. 1897.

Dear Sir Ernest,

I noticed in the Mail of to day that Brinkley ¹ criticises adversely the intention of the "Cinderella Burlesque Company" ² to give another performance on Saturday next, the 30th. He contends that being amateur actors we ought to wait until the 30 days of mourning ³ fixed for other than professional actors have elapsed. I may say that until the appearance of the article of this morning referred to, none of the Company were aware that any distinction had been made between Professionals and Amateurs as regards the period during which they were prohibited from giving theatrical performances &c. We were all under the impression that the period of 15 days from Jany 11 to Jany 26 covered this prohibition for all persons alike irrespective of the fact of their being professionals or amateurs and in order to cause no offence to Japanese the 30th was chosen as being a date well over the prohibited date. The violinist Merchi also for this reason postponed his concert until the 28, tomorrow.

¹ See J. E. Hoare, 'Captain Francis Brinkley (1841-1912): Yatoi, Scholar and Apologist', Ch. 9, pp. 93-107, *Britain and Japan: Biographical Portraits*, Vol. 3 (Japan Library, 1999). Brinkley was the editor of the Mail, and received subsidies from the Japanese government.

² Satow saw a performance of Mrs. Dinsdale's "Cinderella" on 4 January 1897 which he found "very amusing." (Diary)

³ The Empress Dowager died on 11 January 1897. (Satow's diary, 12 January)

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Acting Registrar for Japan. (Satow Papers: PRO 30/33 6/7. February 1896-June 1898)

I scarcely see however that Brinkley's objection applies to us as technically, in the eyes of English sportsmen, we are professionals, having taken gate money part of which has been applied to defraying the expenses of the actors' dresses & costumes.

The point however is an interesting one and it occurred to me that you might possibly view the matter in the same light as Brinkley and take exception to my having taken part in the performance. I would therefore like to know whether you have any official objection to my doing so. My withdrawal from the performance would of course mean that it would, as far as is[?] at present known, fall through altogether, as there are so many reasons which prevent several of the actors from performing at any near date. All the seats in the Hall have been sold and great inconvenience would be caused, not to speak of the probable loss to the Convent of some 5 or 600 dollars which that Institution, devoted chiefly to the education of Japse children, could ill afford to lose.

I am sending this note by a special messenger in the morning in order to get some answer early.

Yours very sincerely

A.E. Wileman

5. Satow replies to Wileman (copy, p. 12 in file)

Private

Tokio

[Date unclear]

[My] dear Wileman,

I have detained your messenger until I could 'consult' the Kwampō [Official Gazette, 官報] and read the article in the Mail. On looking at the Kanpō Extra of 12 Jan. I see that it says "Professionals 15 days" – "All other persons 30 days."

I think that on an occasion like the present it is better for foreigners to conform to what is laid down for Japanese, even if by doing so they abandon a portion of their strict legal rights. It is a matter of good feeling, and not one for argument, as for instance that the "Cinderella" company are technically professionals in the eyes of sportsmen.

Under the circs. I think it wld. be my duty to request you as an official not to take part in the "Cinderella" performance, & I shld. be glad to think that the rest of the company wld. voluntarily give up the proposed representation on the 30th, on learning what the real meaning of the prohibition is as it affects Japanese.

I enclose the "extra" alluded to, wch. I shall be much obliged by your returning to me later on.

I will only add that I fully appreciate the delicacy of feeling wch. prompted you to

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Acting Registrar for Japan. (Satow Papers: PRO 30/33 6/7. February 1896-June 1898)

write to me on this subject.

y.s.

E.S.

6. Wileman to Satow (p. 13 in original file)

No: 7. B Bluff

Feby. 4. 1897.

Dear Sir Ernest,

I hear that the "Belgic," in which I was going to take my passage for Honolulu, has broken her shaft and that she consequently cannot sail according to schedule time from Yokohama, on the 16th. There is no other Honolulu steamer until the 25th and for this I must therefore wait as I particularly want to go by that route. From there I shall go on to San Francisco and the Southern States.

As Chalmers is to take over from me on the 14th it would be a dead loss of 10 days home leave to spend it in Yokohama. Would it be too much to ask you if you could possibly arrange to prevent this? I would suggest that it might be done, either by postponing Chalmers departure from Kobe for some ten days longer, or by giving him ten days leave of absence on his arrival in Yokohama on the 14th. My departure for home could then in either case be made to synchronise with the date of Chalmers taking over charge from me.

The accident to the "Belgic" is most unfortunate and I wish I had known of it when I saw you yesterday as I could have mentioned it. If you can possibly do anything for me I shall be very much obliged. I am sending this note by a special messenger as I wish to make arrangements for postponing my salary[?]. Chalmers is going to take my house and if his departure be deferred I need not vacate it so promptly and consequently need not have the auction so soon. With apologies for troubling you.

Yours very sincerely

A.E. Wileman

[Satow's writing below letter: "Ans[were]d. have teleg[raphe]d. to Hall Ch[almers]. not needed till 22nd."]]

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Acting Registrar for Japan. (Satow Papers: PRO 30/33 6/7. February 1896-June 1898)

7. Wileman to Satow (p. 15 in file)

HM's Court for Japan.

Feb 4. 1897.

Dear Sir Ernest,

I am very much obliged to you for your kindness in telegraphing to Chalmers that he will not be required here until the 22nd. This arrangement suits me admirably. I will write to Chalmers to explain matters but do not think he will mind the delay as it will give him more time to get his furniture into the house before he arrives.

With many thanks,

Yours very sincerely,

A.E. Wileman

8. Chalmers to Satow (p. 17 in file)

Yokohama,

December 15. 1897.

Dear Sir Ernest,

I should have liked when I called last Wednesday to have had an opportunity of verbally asking you about the chances of my home leave, but I was unfortunate in finding you out. Before you went home you thought it probable that Mr Parlett's return would give me my leave, and my wife is so earnest in her wish for some further assurance that I take the liberty of writing.

I have my father at present at home and two sisters and a brother, who may not be there if my leave is delayed, my wife also has many brothers and sisters who are gradually leaving their home and going out into the world. I put this in as a private plea, as well as the fact that in 15 years service I have only been home once, and this is the second occasion that the exigencies of the service have prevented me leaving when I had been out five years; and I should be very grateful for any assurance you may be able to give me as to the probable date of my leave being granted.

The lease of my house expires on the first of April and I hope it may be unnecessary to renew it, but the anxiety of parents and relations at home is to us a matter of greater importance.

Yours sincerely,

A.M. Chalmers

Correspondence and Papers (private). Japanese mission. Supreme Court for China and Japan. Acting Registrar for Japan. (Satow Papers: PRO 30/33 6/7. February 1896-June 1898)

9. Chalmers to Satow (p. 19 in file)

Yokohama,

June 6th. 1898.

Dear Sir Ernest,

With regard to the home leave which you kindly promised to let me have in August next, it would be a great convenience to my wife and myself if you will allow me to fix a departure date. We propose going via Vancouver, dates of departure for which are July 29th and August 18th.

Mr. Wilkinson tells me that as the Court will be in vacation he would have no objection to my going on 29th July, leaving Mr. Moss to attend to the Registry pending the appointment of my successor in the Court, and Mr. Parlett is willing to do the interpreting if any should be required.

Leaving at the end of July would give us greater benefit of the change in so far as we should practically avoid two Japanese summers and would get the whole of this autumn at home. I have mentioned how anxious relatives at home are for our return and we should much like to be able to name a definite date as soon as possible.

Yours sincerely,

A.M. Chalmers

[End of file]

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

Satow Papers: PRO 30/33 6/13

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (March 1897 – September 1899)

1. Richard D. Robison to Satow

Yokohama, 26th/3/97

My dear Satow,

I was just reading the The Bill “for encouraging the direct export of silk” in this day’s [Japan] Mail, and I see that the chief object of the Bill is to encourage the production of good silk in Japan.

Just as I read it, my eye caught the Daily sales of silk and I saw

Sold on 22/3/97

Filature “San-in-seishi-kaishu” @ \$905.

Sold on 22/3/97

Filature “T ase” @ \$830

The first is a truly extra silk reeled with all the newest appliances from Europe.

The second is a true old-fashioned No. 1.

If such a difference in price is obtainable for extra care in Reeling – what further encouragement should be needed.

I see the highest price paid in Shanghai on 19/3/97 for Extra Steam Filatures is Tls [Taels] 620 = \$840.

I thought you might be interested to see such figures.

Yours Truly

R.D. Robison

2. Robison to Satow (on private paper embossed “RDR”)

Friday, 9/4/97

My dear Satow,

Thank you for your note in re direct Export of Silk Bill – as to the newspapers in Yokohama I don’t give them much sympathy and no one pays much attention whether the one or the other goes on the war-path.

[James] Dodds [of Butterfield & Swire] suggests my showing or sending the enclosed letter to you as on the eve of his departure he felt he could not take the matter up.

No doubt it would be a very desirable scheme to obtain permanent possession of the

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

Race Course and of the ground inside it for the Foreign or say the Yokohama community & enable the community to obtain its possession through the officials on better terms than it would be possible for them to do directly. The moment for trying is also propitious – in view of the Queen’s Jubilee – but I am rather in doubt myself that Mr. Pinkney underestimates the actual value of the ground in question and overestimates the giving power of the community at the moment.

If you think the scheme will hold water will you come down & tiffin [eat a light lunch] with me some day next week & I will ask Mr. Pinkney & some of the others who are specially interested in the matter to come & talk it over.

I am asking Paget to try & get hold of Jansen ¹ – the Professor at the Veterinary College – and to bring him down here, so that he may give a decided opinion as to your horse’s forelegs. I believe my weak point is to be too much of a pessimist – and after having allowed my own opinion to give way to that of Morton – and having found him wrong, I turn right round & want to know – if the horse will ever be fit to be trained for Racing. If not – I shan’t want to see you incur the expense of keeping him till the autumn. I fancy Mr. Jansen could decide that.

I should much like to hear Mr. Lowther’s opinion on that subject also – I fancy he is a very practical man on such subjects.

Please remember that on the three days Races – I have a cold tiffin in our stables – and if you will come & bring any of the members of the legation – you will please. ²

Yours truly

R.D. Robison

¹ Johannes Ludwig Jansen (1849-1914). German, invited to Japan by Japanese government in 1880. Taught veterinary medicine at Komaba Agricultural School and the Agricultural Department of Tokyo Imperial University. Satow consulted him about his dog Joe’s ears (diary, 26 February 1900).

² “Lunched with Dick Robison to meet Dodds’ farewell. Baynes, Pinckney, Lowther also. Afterwards we discussed Pinckney’s suggestion of trying to get grant of land inside the race-course for a public park for golf and measures 50 acres. They say it would cost \$3 a tsubo, or about \$180,000. I recommended that those who were interested should speak to their consuls, and get them to take the matter up with the Kenrei [prefectural governor], but abstained from expressing an opinion as to the prospect of success.” (Diary, 21 April 1897)

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

Entre nous.

“Cigarette”³ will also be of little value for these Races. She has been too much “hammered” on the hard high road during the winter to become supple at once.

My chance will be in the new China Ponies – “Torpedo” being good in his class.

“Theory” also is not the worst amongst the new Half bred.

But the others are no good.

3. Robison to Satow (p. 5 of file)

13th April 1897.

My dear Satow

If I had known before the Committee meeting that it was your opinion that it would have been better for British firms to address you directly in this matter of the Direct Export of Silk Bill, I should have suggested it at the Committee. But when the subject was brought up for discussion we found that the Committee had on a previous occasion been requested to address the Doyen of the Corps Diplomatique therefore we simply acted on the precedent. You see the Chamber of Commerce is not a body representing English interests only – and in this matter – though the English Houses have a large share of the Silk Trade here, the American, French & Swiss members of the Chamber interested in the article are numerically stronger than we are, and acting as the Committee of the Chamber of Commerce I would suggest to you that we could not take private action in the matter. That certainly was my feeling & moreover it seemed to me that the Chamber of Commerce having taken it up it was hardly desirable to take Private action. Otherwise I should like to give my reasons for thinking that this Bill can do no good and will do much harm to 99 out of 100 interested in the silk trade – Japanese as well as foreigners.

As to neither Jock Fraser or Walter having spoken to you on the subject when you met them the other evening your note is marked “Private” therefore I was not at liberty to show it to Walter – but I was in to have a chat with him this afternoon and took occasion to read to him what you said on this point, and his answer was – “The letter had been written & sent in then – and besides I should have felt it indelicate to discuss the question with one of those whom we had addressed.” A feeling that I can understand

³ “Dick Robison and I lunched with Meincke and looked at his [race] horses “Cigarette” and “Araragi”. M. himself recommended me to buy the former, as a certain winner, if she can be got to go steadily. The other he said is “faster” but might not train so well.” (Satow’s diary, 16 February 1897) He also lunched with Robison on March 1st in Yokohama and on March 22nd wrote: “To Yokohama to lunch with Dick Robison. My horse cannot be trained for the races, but Dick will take charge of him for the time of my absence.”

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

but I don't know that I should have been prevented by any such delicacy from talking with you about it – different men are differently made!

We have three mails in and two out – but once I get that work done I hope to get you to come down for a friendly chat at tiffin.

Yours Truly

R.D. Robison

4. Robison to Satow (p.7 of file)

Yokohama 2/3/98

My dear Satow

Thanks for your two notes of 1/3 [1st March].

Silk Direct Export Bounty Bill

I have a little bit of news to give you that you will think curious. I am told on what I suppose reliable information that the Japanese silk merchants are refusing to avail themselves of the Bounty. The silk guild are said to have discussed the matter & for the present time decided – What a virtuous nation! – but I can hardly suppose that it can be more than temporary modesty.

Yours truly

R.D. Robison

5. Robison to Satow

Yokohama

19th March 1898.

My dear Satow

As I am to have the pleasure of seeing you on Monday it is almost unnecessary to write to you to inform you that I have been elected the Chairman of the Yokohama Chamber of Commerce, but as it gives me the occasion to write to you – I do so – merely adding that I accept the post with the greatest amount of diffidence – but feeling that it is one of those Duties – which however little desired cannot be declined when one's fellow committee men unanimously ask you to accept it.

I may add, however, that the knowledge that I may count on your friendly advice where needed – considerabl[y] helps to inspire me with confidence in my desire to be of service to the Members of the Chamber.

I am informed this morning that the Silk Direct Export Bounty Bill is after all to be put in force from the 1st April. The Swiss Consul here having in reply to a direct inquiry been officially informed to the above effect. It is not probable that there will be much

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

importance in this just at the moment. The silk season is virtually over and the idea is so generally vetoed by the Japanese themselves that it can't last for long.

But if you can give me any information about this matter I shall be greatly obliged.

Yours truly

R.D. Robison

6. Robison to Satow

[No place or date shown]

My dear Satow

If you are going to be at home & have not a large party on Thursday next for tiffin – I shall be glad to avail of your kind general invitation.

If you can give us early information as to the exact date of the coming into force of the New Tariff you will greatly oblige all of us here.

The Kobe Memorial ⁴ does not get much support here, but there is a movement among some of the English Community to try & obtain some information about some of the points in that document, such as the tenure of Land, State of Prison accommodation, the right to obtain Bail &c. &c. re which there is a general wish to be fixed absolutely.

[James P.] Mollison ⁵ is very eager to do something in re “The New Weight of the Picul”, ⁶ but he can't expect much unanimity in the Chamber of Commerce here, it being of an international character with many members who think the metric system of France far superior to our own and I don't know but that I am one of them.

My new Horse “Araragi” is just about as much a failure for this Race Meeting as yours was, so I shan't have much interest in the next meeting – but I hope you will come down & tiffin with me – for after all the Pic nic is a great part of the enjoyment.

Yours truly

R.D. Robison

⁴ On March 31st Dick Robison came to lunch with Satow: “He said he disapproved of a Kōbe memorial that had been communicated to the Chamber of Commerce up here. Replied that if it reached me I should probably take no notice of it, or even return it.” For more on the memorial “signed almost unanimously by the British residents at Kobe and Nagasaki” and addressed to Lord Salisbury see *The Times*, 9 July 1898. The issues covered included land tenure, newspapers, granting of bail and the unfitness of Japanese prisons for foreigners. (*Gaikoku Shinbun ni miru Nihon*, Mainichi Communications, Vol. 3, p. 153)

⁵ Mollison & Co. represented Nobel's Explosive Manufacturing Co. in Japan. James Mollison was a long-term Yokohama resident, frequently mentioned in Satow's diaries 1895-1900. On 6 March 1899 he brought the title deed of the settlement cricket ground and discussed the explosives business with Satow. (Diary)

⁶ The ‘picul’ is a traditional Asian unit of weight, based on what labourers could carry. It is still used in Taiwan where it is defined as 60 kg.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

7. Robison to Satow

Yokohama 30/3/98

My dear Satow

I am to have the pleasure of seeing you tomorrow. But as I want to ask your advice on behalf of the Chamber of Commerce I venture to trouble you with a Memo so that I may not rush the subject on you all at once.

Will you mind reading it and tell me how far you can advise us. We had a meeting of the Committee this afternoon to discuss the Kobe Memorial, & whilst we generally sympathize with the main object – none of us like the whole of it – we think it too wordy & not guarded in tone. Finally we came to the conclusion to ask your advice as to the utility of such a document at all – if sent to each of the Foreign Ministers – through the Consuls.

If the Ministers do not sympathize with the desire of the Community to be placed on better terms so far as the Tenure of Land is concerned or think it useless to attempt to get it altered – I for one should be guided by your opinion.

On the other questions you will understand our desire to know where we are.

Yours truly

R.D. Robison

8. Robison to Satow

Yokohama 11/4/98

My dear Satow

Referring to your note in the Silk Direct Export Bounty Bill. I find that in the Japan Times of 6th April a List of the work to be put before the Diet is published and that no mention is made of the Repeal of the above Bill. Probably you have noticed this but as the matter is curious I venture to draw your attention to it.

We find that Japanese were not long in hesitating about accepting the Bounty. They said at first they were not going to avail of it, but it was not so much virtue on their part as a dispute as to who was to have the Bounty. The Silk Reelers claimed it, and the exporters said it was for them c à d. [c'est-à-dire, “that is to say”] the Bill was to encourage Direct Export not the improvement of the quality of silk.

People here are wanting the Chamber of Commerce to protest anyhow but I have assured them that I have the best reasons for believing that the Bill will be repealed – and that we had better wait.

Yours truly

R.D. Robison

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

9. Robison to Satow

Yokohama 16/4/98

My dear Satow

Thanks for yours of 14th instant – and I shall be delighted to see your Cousin ⁷ with you at the Races – or any other friends of yours.

The Chamber of Commerce Com[mittee] has decided to form an “International Committee to examine and report upon the position of Foreigners under the new Treaties”. We nominate one from each nationality – with power to add to our numbers. We propose to consult Dr. Lönholm ⁸ – and Mr. Hatoyama Kazuo ⁹ to give Experts’ opinions on a number of questions which are not well understood in the new Codes – in fact the former has offered to write a complete digest of the Codes in English & German. His terms seem a little high – \$1000 per month for 3 months – but we are all of opinion that it is quite necessary for Foreigners to know their position in face of the Laws under which we are to come. As far as I can influence my fellow members of this Com[mittee] I shall endeavour to show them that the wisest – indeed the only policy to follow – is to accept the position as it is – acknowledging that the Japanese are inclined to be friendly disposed – and relying upon that and upon the assistance of our ministers to modify or alter anything which does not seem likely to work well.

I think Foreigners up here are inclined to try to make the best of the position & to meet the Japanese in their endeavours to work cordially – and if the Kobe people refuse to be guided in that direction it has not been for want of advice from Yokohama, but we must leave them to their own devices. You will see from the report which we publish in the newspapers – that we were not only pleased but also astonished at what we saw at the “Sugamo” Prison [in Ikebukuro, Tokyo] – there are a few things that want altering. Foreigners can’t sit on their heels. There ought to be some means of warming the cells in midwinter and the Diet – though clean – and sufficient for a Japanese would hardly suit a man brought up on meat. But the officials assured us that these matters were

⁷ Lisinka Satow (1836-1924), a German cousin of Ernest Satow. Third child of Satow’s uncle Joachim Heinrich Christoph Satow. Full name: Elizabeth Catharina Agneta Satow. Satow saw her in England in July 1897. She then visited Satow in Japan during April-May 1898, and on 26 April Satow took her to the races in Yokohama. (Diary) She wrote to him from Blankenburg, Harz on 24 May 1910.

⁸ Dr. Ludwig Hermann Lönholm, German jurist. Graduated Leipzig and Halle. Regional judge in Leipzig, 1885. Came to Japan in 1889, taught German law at the Imperial University and advised the Justice Ministry. Revised the Japanese Civil and Commercial Codes and translated them into German.

⁹ Hatoyama was a lawyer and became Vice-Minister for Foreign Affairs on 13 September 1898.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

having their attention & would be remedied. I thought – in view of the muck that has been said about the bad state of the Japanese Prisons – that it was only fair to publish it – but fancy the small-mindedness of some people – two of the Com[mittee] voted that it should not be published – one because Brinkley's name is mentioned in the report, the other because it contradicted to Kobe memorial and the report has to be modified to soothe them.

Yours truly

R.D. Robison

Think you like to be kept au fait so I scribble you a line from time to time.

10. Robison to Satow (p. 16 in file)

Yokohama 2/5/98

My dear Satow

I think we all enjoyed your dinner & reunion last Thursday.¹⁰ I was specially interested to meet Count Inouye. The International Committee [of the Chamber of Commerce] had a first meeting this afternoon. We propose to add to our number so as to make Fourteen in all. Our object is to study the position of Foreigners under the new Treaties – for this purpose we propose to accept Dr. Lönholm's offer to make a complete digest of the Codes. Our object will then be to foster the interests of Foreigners and if need be we shall come to you for help.

Yours truly

R.D. Robison

11. Robison to Satow (p. 17 in file)

Yokohama 10th May

My dear Satow

The International Committee are proposing to ask permission to visit the House or Houses of Detention in Tokyo where – under the new Treaties – Foreigners accused of crime would be detained prior to trial. We think Friday would be convenient if it can be arranged.

Would it be proper for me to ask you if [First Assistant] Mr. [Arthur Hyde] Lay or some other gentleman from the Legation might go with us as our interpreter.

If you see no objection we should be obliged, and I would write again fixing the exact day.

¹⁰ “Dinner here to Inouye and a list of Japanese financial people furnished by him and Dick Robison, [H.M.] Bevis [of Hongkong and Shanghai bank], Stone and Ryle Holme.” (Diary, 28 April 1898)

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

Yours truly

R.D. Robison

12. Robison to Satow (p. 18 in file)

Yokohama 19th May 1898

My dear Satow

We want to return the hospitality shown us, but hesitate for a moment how to do it. We should like that the invitation be at one of our own houses, but Bevis' is too far, Holmes' is hardly what we want, Dodds is not thoroughly installed – and my rooms are too small. We don't think the Japanese would care to be taken to the Y.U. Club [Yokohama United Club] – and finally what seems best would be the Grand Hotel or the New Oriental Hotel. What do you think? The difficulty in an hotel is what to do with guests after dinner, for we can't manage a Private Billiard Room. We should count upon your honoring us.

We spent yesterday visiting the House of Detention and the Womans [Women's] Prison, and the Committee expect me to write a report – which I find some difficulty in doing – for while one could simply express admiration at the excellence of the arrangement and management at the Convict Prison of Sugamo – the House of Detention was in part bad – in part very bad and in another part – [the womans quarter]¹¹ very bad! whilst the regular womans Prison at Ichigaya was simply abominable!! The Com[mittee] will want to publish any report that is made – and whilst Japanese rather like plenty of praise they will probably resent plain facts which tell against them, and the truth may do more harm than good.

Lay was most good to come when we telephoned him – but here the Postal arrangements are pretty bad, and a note I sent him the day before – early in the morning had not reached him at 10 am yesterday – so that he had not known of our final arrangements. The International Committee is trying to get put into communication with the Japanese Committee having a similar object in view. I had asked Brinkley to invite a few Japanese officials to tiffin at the Tokyo Club and amongst others we had [Vice Minister for Foreign Affairs] Komura [Jutarō] –and Suzuki [Tsuzuki Keiroku?] – and Midzubishi [Mitsubishi Nobukata, Secretary at Foreign Office] so that we had some interesting talk after tiffin and as Suzuki is one of the members of the Committee in question we suggested that the two Committees should meet – and they were to see what could be done.

¹¹ Robison's parentheses.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

Kobe – definitely refuses to join us. They are wedded to their memorial – which is rubbish – and don't consider Lönholm a proper man to give a digest of the Codes because being in Japanese employ and having had much to do with making the Codes they think he would never venture on true criticisms. We are not absolutely in love with the Professor – but I understand that he will be free from the Japanese & will do the work con amore – because he feels rather slighted by his late employers. I am rather relieved to be free from Kobe for we could never work together & without that, time would be lost & no end arrived at.

Yours truly

R.D. Robison

[Satow's writing below letter: "ans. Tell exact truth without fear or favour."]

13. Robison to Satow (p. 20 in file)

Yokohama 11th June 1898

My dear Satow

We hope the 10.25 train got you home in due course without too much fatigue and we are grateful for your help in making our dinner a success ¹² - which I think it was.

Prison Report you will see in the Monday Papers I hope. Quite late enough but nothing goes without pushing here. At the end of the Report you will see a memo which is satisfactory as far as it goes. It is from a memorandum sent me by Midzhashi in reply to sundry queries from me. The memo is not signed, but I accept it as coming from Head Quarters – and believe that they intend to rebuild both Prisons. The inky question is When? Could you conveniently urge upon the authorities the desirability of hurrying this matter forward, or the Treaties will come into force in a year's time and with no new House of Detention finished. There will be no fit place for the detention of Foreigners suspected of crime. Would it be possible for you also to support the suggestions of the International Committee as to change in Diet, heating of cells in severely cold weather and some sort of Furniture in cells where Foreigners are confined. We should like to obtain the assurance that such things would be attended to.

The Japan Times says that the Consuls have been notified that the new Treaty will come into force 19th September. But I should be thankful for a word from you on the subject when you can give me definite information that I can impart to the Chamber of Commerce.

¹² "Went to Yokohama to a return dinner given by the English members of the Chamber of Commerce, Itō, Inouye, Komura, Asada the new Governor of Kanagawa, Shibusawa and a number more. Wilkinson and Forster also." (Satow's diary, 10 June 1898)

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

Yours truly

R.D. Robison

14. Robison to Satow (p. 22 in file)

7th July 1898

Yokohama

My dear Satow

Thanks for your note. You have marked it “Private” but as such information is always asked for the benefit of the Chamber of Commerce and as this is important to the members I have given a memo to the evening papers.

“The Committee of the Chamber of Commerce have received information from the best source that the new Tariff will probably not be put in force before the next year.”

[page missing? Checked microfilm and original file, not found.]

15. Robison to Satow (p. 23 in file)

[Satow’s writing: “24/7 and asking for list of such commercial consuls.”]

Yokohama

20th July 1898.

My dear Satow

I congratulate you on being away from the heat here ¹³ – not that it has been a hot summer but 87-88 [Fahrenheit] with the prospect of hotter still takes some of the energy away from us – but I expect business to be active I have to say.

Dr. Loenholm has suddenly made up his mind to go to Europe and we have had to call a meeting of the International Committee to discuss his “Digest of the Codes” which have only reached me today. We consider it impossible for us to examine them in the limited time before he starts [next “Empress”] and as it was intended that it should be published under the auspices of our Committee – we have declined to accept the manuscript as fulfilment of our agreement with him – until we have time to go through it and ask his explanation of doubtful points. I should not be surprised if he was to publish it himself now! ¹⁴

Our Chamber of Commerce is rather exercised at the prospect of having under the New Tariff to supply certified invoices – as is done in American trade. “The certificate

¹³ Satow was at his house by Lake Chuzenji near Nikkō from July 10th to 23rd. (For his account see Ruxton, 2003, pp. 458-61.)

¹⁴ Dr. Ludwig Lönnholm wrote a German translation of the New Civil Code which was translated into English by John H. Gubbins and published in December 1897 as *The Civil Code of Japan*.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

must be endorsed by the Japanese Consul or Commercial Agent at the port of shipment (or at ports where there is no Consulate by the Customs or other authorities concerned.)” But as some of the Japanese Consuls are merchants competing in the same trade with ourselves it is very objectionable to have to expose our business to them by leaving invoices &c. for their examination. Would it be possible to represent the inconvenience & have it remedied.

A certificate by a bona fide Consul could not be objected to if the Japanese Government have decided to insist on a certificate of origin &c. but failing such an official would not a certificate from the Customs at the port of shipment answer their purpose.

Yours truly

R.D. Robison

I enclose copy of the notification.

THE CONVENTIONAL CUSTOMS TARIFF.

The following Imperial Ordinance | No. 385 | has been issued relating to the application of the Conventional Customs Tariff .

Art: 1. - When the Conventional Tariff comes into force , goods which may be imported into the Empire shall be accompanied by a certificate verifying the place of their production .

Art: 2. - On the Certificate of the place of production shall be given the Mark , number , class , the number of packages , quantity ^{and} ~~of~~ weight of the goods , the name of the place of manufacture or production , the port and date of shipment .

The certificate must be endorsed by the Japanese Consul or Commercial Agent at the port of shipment | or at ports where there is no consulate , by the customs or other authorities concerned |

The Certificate shall be valid for one year from its date .

Art: 3.- The goods which are not accompanied by a certificate of the place of production , or, if the particulars in a certificate are incomplete or do not correspond with the goods themselves , or if the certificate is considered improper by the customs authorities , the duty will be imposed on the goods according to the Japanese Statutory Tariff .
If a proper certificate is produced within six months after the importation of the goods , the duty paid thereon shall be reduced to the rates of the conventional Tariff.

Art:4.- The date of the operation of this Ordinance shall be specially determined .

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

16. Robison to Satow (p. 26 in file)

[Ans. 10/8/98.]

Yokohama

31st July 1898.

My dear Satow,

Mr. Geo. Blundell came to call in reply to my note and said he was sorry & that it should not happen again but it was not him.

New Tariff I see the Herald of last night publishes a letter from the F.O. saying that the Japanese Government have given notice that they will give 6 months notice of coming into force of the New Tariff. I suppose this settles the matter. In the meanwhile Manchester people – not knowing this, have been rushing forward goods to come in before the Duty is increased – and we are in a mess here which won't be got over for some time from excessive stock – and tight money.

I was on board the C.M.S. [Church Missionary Society?] ¹⁵ launch day before yesterday & saw the accident. Nothing could have prevented it I think, as things were – even if the Junk had been a well ordered yacht I doubt if there would have been time or room to get her over in time. You see we were both arriving at the stern of the “Victoria” at the same moment and at right angles. Neither saw the other till they were within a few feet - & you know a sailing boat with a strong wind on her beam has a strong inclination to turn & face the wind – it is very difficult to make her go the other way – and this was the only chance of saving the crash i.e. steering [sic. steering] West with the wind South. It would have been difficult to suddenly make her go North. That she was an empty boat, and that the Launch is [an] unusually heavy & strong one, saved the accident from being a very much more serious one – for – striking an ordinary launch with that force at right angles the chances are that one or both would have gone down sharp.

I think this is a lovely summer – hot but with lots of breeze – so that I am not very sorry to be chained to business – but as soon as silk goes higher I shall go higher too for a week at Chiuzensy [the Lake Chuzenji resort 中禪寺湖] with my niece. ¹⁶

Yours truly

R.D. Robison

¹⁵ Probably “C.P.R.” (i.e. Canadian Pacific Railway) not “C.M.S.”! See letter no. 18 below.

¹⁶ Miss Lily Cunliffe.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

17. Robison to Satow (p. 28 in file)

Yokohama

2/8/98.

My dear Satow,

I sent you yesterday a copy of Lönholm's Digest of the Codes. if, when you have had time to look into it a bit you would give me your opinion on the work I shall value it. We had a deluge last evening after a thunder storm – and now the air is cooler.

Yours truly

R.D. Robison

18. Robison to Satow (p. 29 in file)

[ans. 14/8]

Yokohama 12th/8th/98.

My dear Satow,

Thanks for yours of 10th – as you don't say anything about Lönholm's Digest of the Codes I fear that too has gone astray – and will write to the Post Office at once. My letter sending it was dated 2nd August “if when you have had time to look into it a bit you would give me your opinion on the work I shall value it.”

New Tariff – of course my object in seeking for information on such subjects is primarily for the Chamber. I want that to be of some practical use to the Community – over & above the collecting & registering of statistics. But of course if you are kind enough to write to me privately – I treat your notes as Private – c à d [c'est-à-dire, “that is to say”] even if I mention that “I have information which would lead me to think so and so.” I take care to put it in a way that does not betray the source of my information. You will remember that is the way I put it in the Papers on the occasion you refer to. With that I think you will be satisfied. And you may rely on my discretion in the future.

New Tariff – please remember that the Trade here is really suffering from the want of decided information. Some of the members of the Chamber here wanted me to address H.M.'s Minister to the effect that in the opinion of the Chamber of Commerce it would be better if he would influence the government to put the new tariffs in force at once in October &c. &c. I pointed out that such action would be labor lost, that the reasons for delay were far more weighty in the opinion of the Japanese authorities than the mere convenience of a comparatively small body of Foreign Residents, and the matter was allowed to drop, but that is the general feeling here.

Accident on the C.P.R. [Canadian Pacific Railway] Launch. I will tell [William T.] Payne [the agent of the C.P.R.] what I told you - & he may do what he likes. It has been

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

oppressively hot here today. The wind has gone from the South to E.N.E. and the Red Ball is up for “threatening weather” so we may be near a change.

Peaches & Pears are beginning to come in and are excellent, so also are some of the foreign sorts of melons – in fact Japan fruit is improving.

Yours truly

R.D. Robison

19. Robison to Satow (p. 31 in file)

Private

Yokohama 26th August 1898.

My dear Satow,

In a letter received today from [Peninsula & Oriental Co. agent] Mr. Woolley, there is a question which I can’t answer myself – and therefore I should like to draw your attention to it – so enclose the letter itself.

The question I refer to is under the head of Business Taxes. “How is it proposed to levy this Tax on a company like the “P & O” – and I would add – like the H & S Bank &c.

As to the rest of Mr. Woolley’s letter – I would explain that though usually a hard working sound man in reality – his weakness is his verbosity. I don’t think he really is afraid for his Personal Liberty but it brings up a subject to talk about – one that sounds well – “the liberty of the British subject.” however if you will excuse the trouble I inclose my reply to him – as that shows my views – as expressed to him. We will all be glad to hear definitely when the New Treaties are to come into force – when the new Tariff is to be enforced – and especially that you have been able to obtain some engagement from the government as to Prison Reform. The rebuilding of such prisons as the House of detention at Kagibashi. The question of an alteration of Diet in favor of Foreign Prisoners. The heating of the cells where they would be confined in the winter and that some sort of furniture should be allowed in their case.

I see in the Papers that Count Itagaki ¹⁷ is taking a great interest in the subject of Prison Reforms – and that I hope will have been an assistance to your efforts. I gather also that he is urging, if he has not already succeed in obtaining – the Direct Government Control of all Prisoners. That evidently would be a great point gained.

The heat has left us for the moment – but in its place we have rain and damp. I

¹⁷ 板垣退助 Itagaki Taisuke (1837-1919) of Tosa (now Kochi). Founded Japan’s first major political party, the Jiyūtō in 1881. Leader of the Rikken Jiyūtō in the new Imperial Parliament. Formed a cabinet with Ōkuma Shigenobu in 1898 and served as Minister of the Interior.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

suppose another fortnight & autumn will have begun.

Yours truly

R.D. Robison

Enclosures

1. Woolley's handwritten letter to Robison dated 25th August 1898
2. Robison's typed reply to Woolley dated 26th August 1898.

Enclosure 1. Woolley to Robison (pp. 37-40 in original file)

Yokohama

P. & O. S.N. Company

25th August. 98

R.D. Robison Esquire

Chairman

International Committee

Dear Sir,

As an individual member of the Committee, I think you are to be congratulated upon the Digest of the Codes written for the Committee by Dr. Lönholm, as, assuming his translation and explanations to be only approximately correct, they seem to me as far as they go, to afford an intelligible basis on which the average Foreigner may form an opinion for himself as to his condition under the new Treaties.

There are several points on which I should like to ask for more light, for example under the heading of "Business Tax" page 41. I presume the P. & O. Company's Business comes under the heading of "Transportation" &c. and that we are subject to a yearly tax, two and a half per thousand, on the capital, and one yen per head, for all employés. How is it proposed to levy this tax on a Company like the P. & O.?

I will however today limit inquiry and criticism to the last chapter of the Book, Chapter VI, Police, Criminal Procedure and Prisons.

In my humble opinion liberty of the subject, and sanctity of the domicile, are of infinite greater importance to the individual Foreigner, than the laws on Land, Business, Taxes or succession, for without ample safeguards for the first, all other Laws, however excellent in themselves, are absolutely worthless.

Dr. Lönholm plainly and distinctly tells us that under Japanese Law there is no habeas corpus, on page 49, he emphatically states "No limit of time has been fixed by law for the completion of the preliminary examination," so that an accused person might be kept in confinement for an indefinite period, perhaps on a trumped up charge, to the ruin

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

of his health, his business and his character, and that in a Japanese Prison.

Dr. Lönholm puts the possibility very mildly, as “might be” kept in confinement. Residents in Japan know accused persons are often kept in confinement indefinitely.

No words of mine can adequately express the iniquity of Englishmen being subjected to such an injustice, and, I will refrain from attempting it.

I should however like to ask what steps the International Committee propose to take, to bring this subject to the notice of the rulers of their respective countries, it is no light matter.

The fact of the “Mail” [Japan Mail] devoting several columns yesterday to pooh-poohing the memorial to Lord Salisbury, is ample proof that it has made the sparks fly at home, and although we may be unable to support Kobe in local details, we should certainly back them up on subjects of common and widespread interest to Foreigners in Japan.

I am etc.

(Sigd.) Alf. Woolley

P.S. Your circular letter of the 10th August is very much to the point.

Enclosure 2. Robison's reply to Woolley

Yokohama, 26th August 1898.

My dear Woolley,

J am obliged for yours of 25th instant.

J think with you that so far as it goes Loenholms " Digest " is a useful little book, that every resident should have . But we must have a full supplement or J for one shall not be satisfied that we have got a fair bargain - J expected more - but it is such questions as yours that in answering will make up the supplement . In the meanwhile J shall avail of your letter to write up to Sir Ernest & ask if he can answer such a question ^{as business that has arisen in such a company as the P-O.} - and if not if he will put it before Count Okuma .

" Liberty of the subject " and " sanctity of the domicile " . J do not feel any great anxiety on these subjects - since J remember the answer the English Minister gave us - when they were first brought before his attention . J would recall the memorandum J put before the Commission ^{by} dated April 1st 1898 & J quote :

" Sir Ernest was of opinion that the subject of our enquiries were of
" two classes - the ~~one~~ coming under the head of the criminal code -
" the other of the civil code , as to the former , he reminded me that
" he had not yet received official notice of the coming into force of
" the New- Treaties - and that when that notice was received , there
" would still remain twelve months before the actual coming into
" force of the same , and in the meanwhile he would promptly draw up -
" full instructions to the Consuls - as to the protection to be given
" to his countrymen in all such matters as arrest-detention in prison
" Right to obtain Bail- the assistance of counsel etc." with this J
perforce must remain content - believing that, I shall protect my-
self by so conducting myself that under no ordinary circumstances the
Law will have any occasion to interfere with me - and that under

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Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

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extraordinary ones J shall have first The International Committee to take up my case & if the consuls and the Minister to see fair play. J hold that thus - J shall be fairly protected - and for the rest J have the belief that the Japanese Authorities - and all good Japanese are as anxious as we can be to see Foreigners satisfied in all such respects - at any rate at first - . But J shall make a point of discussing the whole of your letter with Sir Ernest - so as to show him the doubts & fears of his fellow countrymen here.

Yours truly

(Signed) Robison

20. Satow to Robison (p. 34 in file)

Chiuzenji

29 Aug. 1898

My dear Robison,

With regard to Mr. Woolley's question as to the way in which the Business Tax will be levied on the P. & O. Co's. business in Japan, I should not like to commit myself to any expression of opinion. But I would suggest that in the first place Mr. Woolley might ascertain whether "transportation" really includes movement of goods by sea or by land; and to do this he must consult the original Japanese of the law, to find out what is the word translated "transportation." Secondly such companies as the Royal Mail and Pacific Mail which call at ports in Brazil and the river Plate doubtless would be able to furnish information as to the manner in which the business tax, if any, is levied in those countries. Such information would be very useful as a help in ultimately making representations to the Japanese Govt. if the authorities entrusted with the duty of collecting the business tax should make a levy which the P. & O. considered inequitable. I cannot at the present stage put a question to the Japanese Govt. on this point, and it would not be advisable that I should.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

With regard to Banks, I have no doubt the Hgkg & Shanghai Bk. cld. ascertain from the London & River Plate Bk., or the English Bank of Rio [de] Janeiro, whose head offices are in London, how the business tax (patente) is levied on them in South America.

As to “habeas corpus”, that is a distinctly British provision of law, and will not be found in any country of the continent of Europe, nor could we expect it to be adopted by Japan. The preliminary examination in secret is also a provision adopted from Continental practice, and as you know, its secret character has only just been abolished in France. It is exceedingly doubtful therefore whether any of the RR. [Representatives] cld. be induced to take up this question.

Generally speaking, it will be advisable to wait until some B.S. [British Subject] is proved to have suffered injustice or unendurable hardship before addressing H.M.G. or the Japse. Govt. on matters such as these. As to that it will be the obvious duty of the consuls in the first place to see that B.S.s are fairly treated, and if they are unsuccessful for the Minister to intervene.

I believe the Japse. Govt. have given notice to G.B. & other powers of their intention to bring the new Treaties into force on July 17 next year, if France will consent to the same date. Otherwise they will be postponed till Aug 4. As to the Tariff I expect the date will be publicly announced this week.

As regards Prison reform I have very satisfactory assurances from the Japanese Govt., but naturally I cannot ask for anything more than verbal assurances. Four years ago H.M.G. signed a treaty with protocols attached, and they cannot now consistently go to the Japse. Govt. and ask for written assurances on matters about which they did not then think it necessary to obtain written stipulations. But I have no doubt that things will be properly done.

Yours very truly

Ernest Satow

[P.S.] Many thanks for letting me see your reply to Mr. Woolley. I thoroughly endorse what you say to him about “Liberty of the Subject” and “sanctity of the domicile.”

21. Satow to Robison (p. 41 in file)

Copy

Conf [Confidential]

Chiuzenji.

29.8.98

My dear Dick,

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

I hope my reply will be useful to you, & I think you may show it to Woolley if you like.

I have not said anything abt. his remarks on the Mail's criticism of the Kobe memorial. I suppose that the effect produced by it at the F.O. & Brinkley's writing have any connexion is "a fond imagination." The F.O. replied to the memorialists as they naturally would, politely, but did not express their concurrence with the views of the memorialists. I had kept them fully informed of everything ¹⁸, so they know how these things stand. They gave me no instructions to take up the questions brought forward by the memorialists, as they wld. have done if they thought the Kobe committee were doing "a good work."

I am engaged in drafting the instructions to consuls, of wch. I have told you, but they will have to go home for approval first, and in no case can they be made public, so perh. it would [be] better not to speak of them more than can be helped. Of course consuls must do their best for their countrymen, as they do everywhere.

P.S. I shall be in Tokio again from the 3rd to the 8th. ¹⁹

22. Robison to Satow (p. 43 in file)

1898

Yokohama 5th Sept.

My dear Satow

I sent you some of the No. 3 grapes yesterday, by Paget's kind care. We were promised a most magnificent crop, but at the last moment some disease attacked the vines & there were few bunches left sound.

If you have not destroyed the letter from Mr. Woolley [see no. 19, Enclosure 1. above] I should be glad to have it back.

Thanks for your last 2 letters from Chiusengy. They were quite to the point. But there are some men who would not be happy without a grievance.

Yours truly

R.D. Robison

¹⁸ "I suppose you won't take much notice of the memorial fr. the Kōbe residents. The motive wch. lies at the bottom of these representations & of the articles Mr. Geo. Young sends to Ld. S. (they are written by his bro[ther] Robt. Young editor of the Kōbe Chronicle) is resentment at the Treaty. Yokohama people are much more sensible & try to make the best of things. The Chairman of the Ch[amber] of Commerce [Dick Robison] is a personal friend of my own, wch. is a help in these matters." (Satow to Bertie, 15 June 1898, PRO 30/33 14/10. See Ian Ruxton (ed.), *The Semi-Official Letters of British Envoy Sir Ernest Satow from Japan and China*, Lulu Press, 2007, p. 125)

¹⁹ Satow returned from Chuzenji to Tokyo on 3 September 1898. (Diary)

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

23. Robison to Satow (p. 44 in file)

1898

Yokohama 21st Sept.

My dear Satow

In the matter of the new Consular Certified Invoices you left it with me to get you a list of the Japanese Consuls and Consular Agents. I applied at once through our secretary but thus far have never been able to get any answer at all – so I regret still to be unable to give you that information. I gather however that the Germans have already put the matter right for the benefit of all of us. The Japanese are willing that the certificate shall virtually be from any official; anyhow the objection that we had to show our Invoices to Consular Agents seems to have been got over. The International Committee have been woken up to work after the hot weather by a visit from one of the prominent members of the Japanese Committee in Tokyo that has the same object as our own Com[mittee] from the Japanese point of view – Mr. Masuda of Mitsui. He said that Prince Konoye ? their Chairman ²⁰ has asked him to come down to ask us to work together in all matters of mutual interest. I told him that we would be delighted. He then said the first thing that called for mutual attention was – that their Com[mittee] which included several men of official position had received positive information that the intention of the Government anent [old English: concerning, about] the Business Tax was that it should be assessed not on the amount of working capital of the Japan Agencies of Companies whose “sièges d’origine” were in Europe or elsewhere – as Lonholm suggests that it would be – but on the Total Capital of the Company – and not only so but this assessment would be payable at such agency in Japan!! This seems so absurd as hardly to be worth repeating to you. But it was so positively repeated that I had to call a meeting of our Com[mittee] at once - & in the meanwhile wrote up to Mitsuhashi [Nobukata] – who had informed me that he had been appointed by the Foreign Office to reply to such requests for information from the International Com[mittee] – and he has just replied – That the F.O. could not give a positive answer at once – as the matter was not exactly in their hands – but they were making enquiries in the proper quarters & would write again – so far satisfactory – they invited us to come to them direct for any information – and for the second time they give evidence of their willingness to do it. If so our Com[mittee] can be of some good without always troubling our officials.

²⁰ Konoe Atsumaro 近衛 篤磨 (1863-1904), politician and journalist. Third President of the House of Peers, 1896-1903. President of the Tōbu Kyōkai which Satow was invited to join but declined on 23 January 1900. (Diary)

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

I think you will be interested to hear all such gossip –

May I ask you if you had noticed the report of the trial of an English subject ²¹ in our Consular Court – for assault – this last week or fortnight. The man was all but convicted – he had no witnesses to bring on his own side – he had been too excited to see if any Foreigner had seen the Row – he had only his own statement – and against that the three Japanese corroborated each others [other's] evidence. Fortunately the case was adjourned, and in the meanwhile the report of the case appeared in the newspapers & was seen by some Frenchmen who happened to have seen the whole row – they being on a French Steamer on the other side of the Wharf. Their evidence showed that the three Japanese witnesses had been concocting to support each other in a deliberate untruth – and the man was acquitted accordingly. Possibly you may not have been struck by the Importance of such a case – as I confess that I am – for to me it is in such matters that the danger to Foreigners lies. My experience is that Japanese are naturally an untruthful people – especially among the lower orders. I have to do with a good many as servants or Employés [Employés] of others, Japanese and Foreigners – and honestly I hardly can point out one that I don't believe (by experience) would tell a lie without any hesitation to shield himself or to benefit himself or another Japanese. If such is the case – how often under the new Treaties may a foreigner be charged before a Japanese Court – of something that he is innocent of – and which will be proved by the evidence of several Japanese witnesses. I hope these 3 men wont [won't] be allowed to go off scot-free. They ought to be prosecuted for perjury or the equivalent of it in Japanese.

I do not know if you are back from Chiuzengy or when you are likely to be down in Yokohama but if I did – I should like to ask you to come & eat what the French call “La Cotelette d'amitie [amitié]”.

Perhaps you will let me know when you can come.

Yours truly

R.D. Robison

²¹ Reported in the *Japan Weekly Mail*, 10 September 1898. Three coolies sued M. Fitzgerald in the consular court at Yokohama (Forster presiding) after he had failed to pay their promised wages, and allegedly attacked one of them. Fitzgerald successfully pleaded self-defence, as he had been attacked first.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

24. Robison to Satow (p. 48 in file)

[Ans. 27/9]

Yokohama 22/9

My dear Satow

Thanks for your two notes [and] enclosure recd. today.

I shall be delighted to see you tomorrow at 12.30 – but shall not have a party to meet you.

I had seen a notification of what you now communicate & called a meeting of the Chamber of Commerce to discuss it. To my surprise our Secretary who has been up in Tokyo a great deal of late – helping to arrange about the Tariff told me that he had been trying to get this altered to “a ship’s manifest having been entered at any Port in Japan prior to midnight on 31.2.98 – all foods entered on that manifest whether for Nagasaki, Kobe or Yokohama – would come in under old Tariff.”

He had received a note to say that probably this would be granted – providing the request was made in due form – But I will tell you more tomorrow. ²²

Yours truly

R.D. Robison

25. Robison to Satow (p. 49 in file)

Yokohama 28th Sept.

My dear Satow

Mr. Keil [O. Keil, Secretary of the Yokohama Chamber of Commerce] received a letter yesterday from one of the officials of the Customs which to my mind is conclusive, without saying so exactly – it can’t be done. I tried to get you a copy of the letter in question y’day – and have written to ask for it again today – if I get it I will enclose it. What a miserable mess they have got into in Peking. ²³

Yours truly

R.D. Robison

²² “Lunched with R.D. Robison, [his neice] Miss [Lily] Cunliffe, [James] Dodds and a young man named Thomson from Kōbe. We discussed the question of consular agents engaged in business giving certificates of origin. It appears the Germans have in their Tariff convention settled or tried to settle that question. Also spoke of the Fitzgerald case, and told him and Dodds we thought Forster’s writing to the Procurator a full account of the reason why he had acquitted F [Fitzgerald] and observing on the false evidence given by the three Japanese would be enough. Also business tax. It seems neither [H.M.] Bevis [manager of Hongkong and Shanghai Bank in Yokohama since 1897] nor Steven take much interest in the subject.” (Satow’s diary, 23 September 1898)

²³ “Telegrams from Peking that the Empress Dowager [Tzu Hsi, 1835-1908] has resumed the direction of affairs, the Emperor [Kuang Hsu] having died, been assassinated, secluded or deposed, no one knew which.” (Satow’s diary, 24 September 1898)

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

26. Robison to Satow (p. 50 in file)

1898.

Yokohama 29th Sept.

My dear Satow

I recall your attention to the Business Tax which is given in Löhnholm's Digest p. 41 as on "The selling of merchandise". The question is - Is there no business tax on buying of merchandise.

Yours truly

R.D. Robison

27. Robison to Satow (p. 51 in file)

Yokohama 3rd October 1898.

My dear Satow

Best thanks for yours of 10th instant. [French consul at Yokohama] Monsr. [L.] Ratard told me much the same thing. He was he said especially trying to reduce the duty on wool yarn – which is likely to have a future here. Our secretary is now busy making up a complete list of both Tariffs – marking with an "asterisk" those articles which by the German Tariff [that he as our secretary has been allowed to see on the condition that he did not disclose the Rates] will pass at Reduced Rates.

We are coming to Tokyo this evening to meet the Japanese Committee that has taken upon itself the same duty as our "International". I find a difficulty in that they don't tell us what they want us to talk about.

Yours truly

R.D. Robison

28. Robison to Satow (p. 52 in file)

1898.

Yokohama 4th October.

My dear Satow

I will not fail to send you a copy or two of the Lists of Tariffs when they are printed. We had a meeting with the Japanese Com[mittee] yesterday – which I thought rather a waste of time. I said that I had the best authority for saying that their reading of the Business Tax was erroneous. They replied they did not agree with me. [Secretary of the Japanese F.O.] Mitsuhashi was there as Chairman and Interpreter but like Brer Rabbit

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

“He lay low”²⁴ and of course I would not give him away: - I think he might just as well have said that the F.O. had consulted the Law Officers of the Government & that their answer was what he had sent us. Therefore that it must be reliable. But as he did not say it we came to a deadlock – and they asked us to write our questions down for them & they would study them & reply -

They could not say right off if “transportation” meant shipping [see Satow to Robison, no. 20 above] , but that also they are to inquire into – and so on – and so on.

The only satisfactory feature of our meeting to my mind was their evident gratification at our having come &c. &c. They asked us if we had an official translation of the Business Tax. I said a translation had been given in the Japan Mail, but on further discussion it was suggested that I should ask you if any of the officers of the Legation or Consulate could supply us with a translation which would be official.

The Japanese present at our meeting were Mitsuhashi, Masuda – The Editor of the Japanese “Economist” – Professor “_Mee_” [?] who I understood to be a professor of law – and another whose name I don’t remember.

The feeling they gave me was – that they were supporting one and other – not to com[m]it themselves to say anything. But they looked clever men.

Yours truly
R.D. Robison

29. Robison to Satow (p. 54 in file)

1898.

29th October.

My dear Satow

I am able now to send you the first copy of the new Tariff as prepared by the Chamber of Commerce. It will not be generally circulated for a few days but I thought you would like to see it at once.

Yours truly
R.D. Robison²⁵

²⁴ Br'er Rabbit is a central figure in the ‘Uncle Remus’ stories of the Southern United States compiled by Joel Chandler Harris (1845-1908) and narrated by the fictional Uncle Remus character. Brer Rabbit is a trickster who succeeds by his wits rather than by brawn, tweaking authority figures and bending social mores as he sees fit. The story of Br'er Rabbit, a contraction of "Brother Rabbit", has been linked to both African and Cherokee cultures. (Footnote compiled from Wikipedia)

²⁵ See also Forster to Satow, October 24, 1898, PRO 30/33 6/2, No. 115, (Volume 1. p. 185). Forster mentions showing notes of a conversation with the Superintendent of Customs to Robison about certificates of origin and the new duties. Robison asked permission to publish the memo, which Forster granted.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

30. Robison to Satow (p. 55 in file)

[Ans 21/11]

Private

Yokohama

18th November 1898.

My dear Satow

In reply to your note Mr. Buck ²⁶ replied to the Chamber of Commerce – but not exactly in the way you say. I have not got his letter by me but from memory he quoted information he had from the Japanese Foreign Office that no Honorary Consul was allowed to trade therefore he said we must be wrong in supposing that they did. We have replied giving him chapter & verse [i.e. all the details]. He held out some hope that cargoes entering port before 31/12/98 would be allowed in under old Tariffs.

Business Tax Marquis Nembrini Gonzaga[?] came in to tiffin today that he might bring[?] a message from _____ of the Finance department that my letter to the Foreign Office had been put before him that he quite understood the necessity of changing the law that I might rest at ease on that score for it would be done – The Court will say to me that is not an official communication but to me it was an additional assurance that the Law as it now stands is to be altered – and I hope that the change will be in the sense of my suggestion to you. A Tax on Nett Earnings for that seems to me the simplest way out. He told me that our request about harbor ²⁷ regulations was to be allowed, that I was wrong in thinking that the government had any intention of filling in the harbor opposite the Bund. On the contrary they were going to dredge as much as possible in that portion of the harbor.

Yours truly

R.D. Robison

31. Robison to Satow (p. 56 in file)

[Ans 21/11]

Yokohama

19th November 1898.

My dear Satow

Our secretary writes to me this morning;- “Kobe Chamber has already an official reply from the Kobe Superintendent of Customs – that Honorary Consuls need not be

²⁶ Alfred E. Buck became U.S. Minister to Japan in July 1897. He died ‘en poste’ in December 1902.

²⁷ Spelt by Robison without a u.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

applied to for Certificate of Origin.” He adds – “Strange that we here near the fountain head should be left out in the cold – when any such step is decided in Tokyo” – but the Japanese are a curious people.

Yours truly
R.D. Robison

32. Robison to Satow (p. 57 in file)

Yokohama

21st Novr. 1898.

My dear Satow

I have just returned from a meeting of the International – where W.B. Walter [Vice President of Jardine Matheson & Co.] stuck out that our reading of Business Tax on agents is entirely wrong. That the Tax on agents referred to in Brinkley’s Pamphlet [1^o on remuneration] was simply what the agent would have to pay out of his own remuneration and that the Insurance Company comes in under the head of Insurance in the same list higher up.

I find on my return your valued note of 21/11. I have not seen the Times of 6/10 – will look it up at the Club. You will see that Walter’s idea coincides with what you now say. as to the agents having to pay on their remuneration as well as the Insurance coy – The Chamber of Commerce will write to the superintendent of Customs as you suggest in re “Consular Invoices” or “Certificates of origin” & I will let you know if we get a reply that will settle the question.

Our Com[mittee] this afternoon resolved on a course which seems to me at any rate of no use. They wish to address the “Home authorities” on the difficulties of the position of Foreign Residents in Japan – praying them to recommend the Foreign Ministers here to use their best efforts &c. &c. The difficulty really is that in many directions Foreigners don’t understand the Laws given in the Codes. The Business Tax is only one example – and they want to insist that some authoritative person shall say what the points in doubt really mean and where the law is unfair to Foreigners. They want the full influence of the Home Governments to be brought to bear in their interests. I believe that there are many points the Japanese don’t understand themselves – and can’t and won’t understand until the points have been thrashed out in their Law Courts – then probably they will find that they still don’t understand the points in question – will have to refer them to other Lawyers – and as to the full influence of the Home Government – I am satisfied that nothing more can be done than you are prepared to do – But—

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

There was a “Canard” [false report or rumour] at the Club yesterday that the Telegraph wires had been monopolised by the Government – that the Anglo-American lines were also monopolised by the Government and that the British Government had bought up the whole stock and supply of Japan Coal. Terrible! It gave me the Blues all yesterday – but today I find it is not all true. The Telegraph Bureau when I sent down this morning said that though the Southern wires were “working badly” the line by Russia was open & working well. Still it will be a relief to see things settled.

Are you coming down for our Theatricals? I have a room at your disposal & we would organise a little party if you would come. Though I won't promise to see the piece out if it is very long.

Yours truly

R.D. Robison

33. Robison to Satow (p. 59 in file)

Yokohama

22 Novr. '98.

My dear Satow,

In reply to your note of today – Mr Keil is making the Tariff all right & will then send you a Dozen copies – but he says he can't hurry – he expects every moment news from Ratard about the French “Specifics” which will be below our expectations – Mousselins de Laine for instance he has got down to 1 6/10 cents as against 1 8/10 cents of the Germans and 2 1/10 of the English.

The Superintendent of Customs replies today, that the Form we made out for the certificate of origin answers in every respect to the demands of the Ordinance. This is official and I am having the Forms printed – and informing the C of Cce that they can have copies as they have been officially approved.

Cold & miserable down here & I think I have a touch of influenza coming on.

Yours truly

R.D. Robison

34. Robison to Satow (p. 60 in file)

1898

Yokohama 24th Nov.

My dear Satow

You may be interested to see the enclosed form for Certificate of Origin.

Yours truly

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison
(Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13.
March 1897 – September 1899)

R.D. Robison

[P.S.] I looked up the Times of 6th Oct. Thanks.

A stiff tax - & as you say I suppose the agents would have to pay on their Remuneration
too. But why should they? They pay Income Tax which includes that.

Enclosure:

YOKOHAMA GENERAL CHAMBER OF COMMERCE.

23RD NOVEMBER, 1898.

DEAR SIRS,

I have pleasure to inform you that a communication has been received from the
Imperial Customs, dated 22nd instant, stating that :—

*“The form of Certificate of Origin submitted for acceptance by this
Chamber may be recognized in every particular as such as fulfils the requirement of
Art. II. of the Imperial Ordinance, No. 385, of October 29th, 1897.”*

I beg to enclose a copy of the form in question, of which more can be had on
application.

Yours faithfully,

O. KEIL,

Secretary.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

35. Robison to Satow (p. 62 in file)

Yokohama

25th November 1898.

My dear Satow

I sent you last night through the Consulate the Form adopted for the Certificate of Origin. I now send Memo of a letter from Mr. Buck in re opening of Customs on 31/12 and in re goods coming in under old Tariff.

We have just got a communication from Mr. Kawasaki Chief Surveyor of the Imperial Customs which we shall have to get him to put into proper English – but he says “I am instructed to say that the said competent authorities are (such) government offices as those of Prefectural, County, District, Town and Village offices – excluding Chambers of Commerce, Public Notaries... I may add that the Imperial Japanese Honorary Consul are not comprised in the Imperial Ordinance concerned and that the Police Office may sometimes be recognised as a competent authority according to the administrative system of the State.”

Part of this is not understandable but I will send [] tomorrow & get it put into English & then send you a copy.

I noticed today that you seem rather to have altered the view which I understood you to express last Friday that agents would also have to pay the Business Tax on their remuneration – i.e. besides the Insurance company as the law now stands.

If I understood you right then it was that in the case of agents of Insurance companies – they (the agents) were the only people who would come under the business tax not the Insurance companies themselves as they have no capital to register.

Yours truly

R.D. Robison

36. Robison to Satow (p. 64 in file)

Yokohama

29th November 1898.

My dear Satow

Thanks for yours of today's date – on referring to a copy of the letter of the Insurance agents. May I suggest – that the passage you refer to – is not written as a criticism on the Revision of the Treaty – but as a reason for thus early bringing the subject of inquiry before the government. That is at any rate my reading of it.

Yours truly

R.D. Robison

T.S.V.P. [Tournez S'il Vous Plait; Please Turn Over]

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

[End of another letter?] Not getting any reply from the Harbor Master I called on him yesterday – and the letter of which copy herewith is the answer I got.

Will you then come down & dine & sleep here on the evening of the Theatricals 6/12/98. I will look after the tickets & shall be delighted to see you.

Yours truly

R.D. Robison

I shall not show your letter to Bayne²⁸ but in a few words can tell him the point of it. I think he will reply as I have done.

37. Robison to Satow (p. 65 in file)

Yokohama

21/1/99.

My dear Satow

I did not reply to your note of 14/1 chiefly because there was no reply.

Personally I am exceedingly annoyed with Mr. Keil in the matter of his publishing the Tariff as “secretary of Chamber of Commerce” for clearing it was a work for the Chamber and I do not see what motive he had except the petty one of making money. But he is a man that we so much respect and value for his sterling qualities as a man and as a statistician for the Chamber’s work – I don’t like to say too much.

Naturally [?] however the work ought to have been revised by the Committee and was not. [] everyone to study & revise the work for themselves.

Lord Charles Beresford – we met last night. I should have thought rather a slow dinner for him, for the Japanese guest spoke but little English. I wish to remark that the Chamber of Commerce here did take steps to invite him to a cosmopolitan meeting – but finding that it was the China Association that entertained him in China & elsewhere & that they had taken preliminary steps for the dinner in Monday, I withdrew. I should be glad if you could see your way to mention this. The dinner will be entirely a social gathering of the admirers of typical Englishmen.

By the by that letter to Lord Salisbury through you has at last been allowed to drop. I find that Red Heat cools down if left alone. I was particularly interested in Saigo & General Katsura last night, especially the former, but the latter promised to help us to get some horses for the Race Club on my telling him that we were ashamed to ask the Emperor to races of China Ponies.

Yours Truly

²⁸ W. G. Bayne, representative of North China Insurance Co. and Commercial Union.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

R.D. Robison

38. Robison to Satow (p. 67 in file)

[Ans 4/March/99]

Yokohama

4th March 1899.

My dear Satow

Mr. & Mrs. [James] Dodds [of Butterfield and Swire] are coming in to tiffin [eat a light lunch] with me on Tuesday at 12.30 p.m. if you should happen to be coming to Yokohama on that day. I should be very pleased if you would join us.

I have not responded to your tiffin invitation this week for I have been prettu busy since Mr. Keil's death.

Yours truly

R.D. Robison

Law of Criminal Procedure seems to have passed the Lower House. But the Pilots bill is "rough" on a respectable class of foreigners here.

39. Robison to Satow (p. 68 in file)

Yokohama

17th March 1899.

My dear Satow

Thanks for your note. I saw what the Mail said & I was vexed and wrote to Brinkley & to Whitehead not for publication that it seemed hardly fair to charge the Chamber of Commerce with laxity of its evident duty in such an important question as that of superficies²⁹ but that as Chairman of the "International" a sub-committee of the Chamber of Commerce I had proposed to ask you for your opinion on that & several other questions, but that you had informed me that you in your official capacity could not recognise any such cosmopolitan body, and therefore I had refrained from troubling you on the subject and had sought my information from Lönholm & elsewhere.

As far as my memory serves me I did privately mention the subject – and you did tell me your views. On the whole I think if the question is not understood by the general body of British residents it ought to be. I hate newspaper controversy – the Kobe

²⁹ Superficies (*chijōken* 地上権?, lit. "above-ground rights") is a Latin legal term referring to anything which is placed upon and attached to the ground, and most commonly refers to a building erected on land owned by another. (See <http://en.wikipedia.org/wiki/Superficies> accessed on 2 August 2011.)

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

Chronicle may think what it likes. But as far as Yokohama is concerned it seems to me that a cosmopolitan community like ours has a right & does right to study the common interests in appointing a Com[mittee] to look into all questions such as the one on superficities. What is everybody's business is nobody's business.

Therefore I think there was utility in the work attempted by the International – whilst I don't question & quite understand the ground you took up.

Yours truly

R.D. Robison

40. Robison to Satow (p. 70 in file)

24/3/99

My dear Satow

Best thanks for yours of 22/3. I shall be very glad of your permission to publish for Private Circulation the new Customs Laws. I send circular 19, which gives some useful information.

Yours truly

R.D. Robison

Can you tell me if anything has been done about abolishing export duty on Raw & Waste silk. It has been talked about for a long time. For myself I don't think it will do any good but it may.

41. Robison to Satow (p. 71 in file)

YOKOHAMA GENERAL CHAMBER OF COMMERCE [printed letterhead]

Yokohama, 28th March 1899

My dear Satow

Many thanks for your note of 28th. If you see no objection – I shall, at our meeting tomorrow, without quoting you – make use of your information. The U.S. treaty must come into force 17th July. The French Treaty cannot be before 4th August unless a protocol and supplementary article is agreed to between the French and Japanese governments and ratified by the French Legislature.

“Perpetual superficities is recognised by Japanese Law for there is a tax fixed for the registration of such rights – mentioned in the Government gazette of March 23rd.” That also I may quote without giving my authority – it may help the members to swallow an extra long report, which I will enclose to night if I can for your perusal and en attendant I send you circular 20/21 – one of which you will see is the Pilots' Law.

Yours truly

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

R.D. Robison

42. Robison to Satow (p. 72 in file)

YOKOHAMA GENERAL CHAMBER OF COMMERCE [printed letterhead]

Yokohama, 30th March 1899

My dear Satow

Thanks for your note of yesterday. I availed of it to say at the meeting that the coming under Japanese Jurisdiction could not be before the 17th July – nor after 4th August – and that probably the date would be fixed somewhere between. As to “Superficies”, I said nothing. I was tired and the meeting was tired – with the long report, and as the subject was not brought up, I did not introduce it. There are some people who won't believe. The most of them are inclined to say they hope it will be all right – and trust to Providence for that, and there are some few of us who believe in Superficies as a solid benefit – but no one will be really satisfied without the right to own land.

The Pilots' Bill – seems appreciated – we have had many demands for it, half a dozen copies at a time. If you can let us have the Tonnage dues Bill – that I think will be very useful.

Our Report – you will see I have gone in direct contradiction to the Japan Times' writer – but I am sure I am right. I have had practical and painful experience during the past year of the inferiority that I complain about. There are some new Japanese Filatures [i.e. establishments where silk is reeled] that are producing excellent work, for they are using up-to-date machinery, but the bulk of the silk produced in Suishin[?] – and some of what comes from Ioshio[?] – [both of them the most important silk districts in Japan] is reeled on old fashioned principles – and then often much too hastily – sometimes even working day and night – and the result is as I say – irregular – undependable silk – that would not be looked at if Italians & other European silks were plentiful.

Of other points in the Report – the excess of Yen 88,000,000 – about – in the Rice Harvest is a feature – and the position of Imports is well told. I got most of the figures of that, from a Mr. Saki[?] – who seems a “thorough” man & likely to make a name for himself if he stays here.

I am off for a holiday to Miyanoshita, but shall be back next week.

Yours truly

R.D. Robison

43. Robison to Satow (p. 74 in file)

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

[ansd 5th]

Yokohama

4th April 1899

My dear Satow

Yours of 1/4 followed me up to Miyanoshita and then down again here – so I only got it this morning.

I send you three more copies of the C of C Report [Chamber of Commerce Report].

Tonnage Dues Laws. Many thanks for copy. I am having it printed for circulation.

I don't know if the subject of Patents has engaged your attention of late. [Yokohama barrister Ambrose Berry] Walford in writing to me about it says "The subject is I dare say well understood but the existing regulations are such that it is almost impossible for a Foreigner to obtain a grant of Letters Patent so I thought it would be a matter within your ken [knowledge]." but I don't see that I can do anything & only mention it for the chance of its having occupied your attention – if so I would call & ask your views.

Yours truly

R.D. Robison

[E. Flint] Kilby [of Kilby Trading Co] wants to come up with me to be introduced to you and I should like to do so for, if he is rather a rough diamond he is a good sound common sense man.

P/S. The C of C Reports are being reprinted I will send them later. RDR

44. Robison to Satow (p. 75 in file)

Yokohama 6/4/99.

My dear Satow

I send you our Circular of the "Law Relating to Tonnage Dues" with our best thanks.

I am exceedingly sorry that you are not going to be present at our dinner on Monday – but we felt that more of the Ministers would desire to be invited under the circumstances – and I shall just have to explain your/their absence by saying that it was a compliment we desired to pay to the Japanese officials present. As we are shortly to come under their jurisdiction we would not wait till the official announcement was made that in the future we would have to look to them as our officials. We were prepared at once to assure them that we were their very humble servants at once.

If I don't say something of this kind it may look strange to I.E. [T.E.?] Yamagata & the others. They might ask for explanations.

Yours truly R.D. Robison

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

45. Satow to Robison (p. 76 in file) [very clear handwriting]

7 April 1899

Private

My dear Robison,³⁰

Last night I met Count Matsugata at dinner who told me he had accepted the invitation of the International Committee. I explained to him the position and the reasons why I (for my part) had no official relations with an International body to which I told him I was very friendly.

I think the idea of giving them a dinner is an excellent one, and that placing yourselves in this manner frankly in relations with them cannot but have an excellent effect. What everyone must desire is that the relations of the foreign community in Japan with the officials of the country should as far as possible be of a normal character, by which I mean, such as they are in all other countries where they are under the local jurisdiction.

If I have an opportunity today (I am lunching with the Minister of Education) [Admiral Count Kabayama Sukenori, 1837-1922]³¹ I will say to one or two more leading members of the Cabinet what I said last night to Matsugata.

Yours very truly
(sd.) Ernest Satow

46. Robison to Satow (p. 78 in file)

1899

Yokohama 7th April

My dear Satow

I am very much obliged for your kind note of today.

I think then the subject of your absence may be left out of our dinner.

May I say that it is largely thanks to your encouragement that I have been persuaded to accept a second year of office as Chairman of the International. I find that people generally recognise now that there is a work to be done and that we are doing it. That too is encouragement and so I am glad if I can help.

Yours truly

³⁰ At first "Robinson", a more common family name, was written but then the 'n' was crossed out. This letter, judging from the handwriting, appears not to have been written by Satow but dictated to a scribe, and saved as a copy for the file after the name was written in error.

³¹ Admiral Count Kabayama Sukenori (1837-1922). "Lunched with [Education Minister] Kabayamas at Botanical gardens, Koishikawa. All the heads of missions and Cabinet ministers." (Satow's diary, 7 April 1899)

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

R.D. Robison

I send Paget the 6 copies of Circular on Tonnage Dues.

47. Robison to Satow (p. 79 in file)

[ans 13/4]

Private

1899

Yokohama 12th April

My dear Satow

Calling yesterday to pay my respects at the Foreign Office with Mr. [H.J.] Holm – vice chairman of the I.C. I had an interesting talk with [Foreign Minister] Viscount Aoki.³² To tell the truth I was not impressed by what he said about tenure of Land. It seemed to me that for want of command over our language, he did not express exactly what he thought. He said that the Japanese were excessively Conservative – on this point – and chiefly from the fact that the sub-division of land into very small lots or farms made this a question for the millions and not of the “niffer Ten”[?]. Then when I suggested that our people at any rate were not likely to over-run Japan in search for land – as that was to be had almost “free gratis” in England – farming being distinctly a non paying business. Then he said – no it is not that we fear that – but what if American millionaires come over & [start] buying whole districts in the neighbourhood of our large towns. Such people might give trouble – they have sometimes the way of getting what they call “mad” & then &c. &c.

He ended up by saying – you must excuse me not at once replying to what you said at the dinner but you may [be] sure the time will come when your ideas will be realised. I think his last words were “we shall probably be compelled to accord what you ask for.” [The right for them to own land.] When we left he followed us to the Hall – clapped me on the shoulder [and] asked me to come back with him to his room. Where he said – as a matter of great secret – I want to tell you that it has been decided to ask you to the Imperial Garden Party.

Of course I recognise that this is a distinct honor – but I mention it in case you might think it was de trop [too much]. In that case I assure you public functions are not a mon gout. [to my taste]

Yours truly

R.D. Robison

³² See ‘Aoki Shūzō (1844-1914)’ by Ian Nish, *Britain and Japan: Biographical Portraits*, Vol. III, Ch.12, pp. 132-143, ed. J. E. Hoare.

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

48. Robison to Satow (p. 81 in file)

Yokohama 20/4/99

My dear Satow

[John H.] Gubbins has been good enough to send me two translations of Laws which the International has put into the hands of the Printer at once. Many thanks.

I send you Circular 23 today – with regard to weighting machines & the weight of the km [kilogram?] – we are to discuss the subject at a meeting of the Chamber of Commerce today. Writing to Lönholm recently I mentioned your suggestion, that the Digest of the Codes would be of greater value of references to authority had been given.

He replies

“The suggestion of Sir Ernest Satow would be quite reasonable in a book written for diplomats & lawyers but my book is intended to serve the practical business man who will not be likely to follow me into the labyrinth of laws. Besides very much of what I say is not a mere extract of the laws, but the result of logical reasoning: f.i. [for instance?] my deductions as to the right of a commercial company composed of foreigners & having its principal office in Japan to own land. There are very few people who would be able to follow me in these points, if I should choose to give them all the particularities of such mental operations.”

It may be so, but he might give us the chance.

Yours truly

R.D. Robison

49. Robison to Satow (p. 82 in file)

[Ansd 3 May, think suggestion shld. be acted on.]

Yokohama

3rd May 1899

My dear Satow

A suggestion has been started here that it would be right & proper as the Emperor is coming down on the second day of the races to present him with an address - at the same time asking him to drive through the Foreign Settlement. It seems to me however that the day is not very propicious as we shall all have our hands very full with the Races – and it would not be easy to stay down in the settlement – and yet be up on the course to receive him there. So I thought I would ask your advice.

Yours truly

(Sd.) R.D. Robison

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

50. Robison to Satow (p. 83 in file)

Private

Yokohama

6th May 1899

My dear Satow

You will have seen in the newspapers an abbreviated account of the Meeting held yesterday about the Visit of the Emperor and the presentation of an address. I want to add a little word for your private ear.

1^o- As to my being elected Chairman you will I am sure believe me – that however much I consider it an honor, it is one which I have in no way solicited and would rather have avoided – but we had discussed the subject at a previously held meeting of the International Committee – and it was then suggested that one of the Consular Body would be the proper leader in this matter but it then & there fell through; - if a consul, then it must be the Doyen of the Consular Body – Mr. Ritter - & no one would listen to our proposing the British Consul. The very strongly expressed wish of both meetings was that it should be distinctly understood that this was a public demonstration of the Community & not one got up by officials.

I fear Bonar & perhaps some of the other Consuls were annoyed, & I called on him afterwards to try & explain & hope I did so satisfactorily – but at a subsequent meeting of the Committee I thought it best to say a word of explanation. I enclose my memo of what to say & hope that it was accepted in the spirit it was given.

There was an annoying discussion got up at the meeting by [James P.] Mollison who objected to my use of the words “loyal” and “loyalty” & I had to get the newspapers to cut that discussion out, as it was certainly not desirable to let that appear. Of course my remarks were not studied – but I hold that the words were right and proper – vide Webster [see quotation from Webster’s dictionary on next page].

I think everything is now “en train” – we wanted to present the address on the cricket ground but the Emperor or the Imperial household have decided to have it in the Railway station. I hope you will be there.

Yours truly

R.D. Robison

85

YOKOHAMA UNITED CLUB

№ 5 BUND.

Webster -

Loyal - "devoted to the maintenance"
"of Law".

// "disposed to uphold the
"lawful authority"

"Faithful to the lawful
"government whether
"parental civil or divine"

Loyalty - "being derived from 'loi'"
"expresses properly that
"fidelity which one owes according
"to law. and does not necessarily
"include that attachment to
"the Royal Person which happily
"we in England have been able
"further to throw into the word -"

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

Under any ordinary circumstances I think it would have been our unanimous wish to be led by one of the Consular body who we recognise as our special representatives. But this is distinctly a Citizens demonstration and I think it is the special wish of the Community to mark it as such by electing the most humble of their own number to represent them.

The presence of members of the Consular body is greatly appreciated by us all & we beg of them to give us their kind cöoperation.

51. Robison to Satow (p. 86 in file)

Yokohama

12/5/99

My dear Satow

There is just that amount of blame to be placed on my shoulders as can be covered by my excuses that we have had three days Races – and some other excitement this week to keep us all busy.

But I will go round to the Chamber of Commerce first thing on Monday & insist on having the Customs Law given to me.

Yours truly

R.D. Robison

We have been changing our Printers – from the Herald to the Gazette – the former was overcharging us so enormously – but the result is not encouraging.

52. Robison to Satow (p. 87 in file)

Yokohama

13th May 1899.

My dear Satow

Thanks for your very kind congratulations. I got the enclosed note from Mitsuhashi this morning – and went up to the Foreign Office at once – saw Viscount Aoki and he made me quite a nice speech. The Emperor had at first intended that the decoration should be given me by the Minister of the Household, but on second thoughts and remembering that I was not a Japanese subject he had decided to do it through the Minister of Foreign Affairs - &c. The only feeling that I have about it is that though it is an honor that I can not refuse, and chiefly because it is a very great compliment to the Foreign Community – yet I am like the unprofitable steward. I have only done that which it is my duty to do.

I thought I would like to ask a few of my friends to celebrate the occasion by a tiffin

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

on Thursday or Friday next, and if you would allow me to count upon you it will give me much pleasure.

Yours Truly
R.D. Robison

53. Robison to Satow (p. 88 in file)

Yokohama

16/5/99.

My dear Satow

We have evidently been at cross purposes today.

I asked on telephone if you could come and tiffin with me one day this week – my object being specially to celebrate the occasion of being decorated by the Emperor – the answer by telephone came back “yes on Tuesday”. I replied immediately [but you had gone out] “can’t you make it Thursday or Friday” - & when Peacock told me you had in the meanwhile gone out. I asked him to put the question to you again on your return. Thus as I understood – you were engaged to tiffin with me on Tuesday – unless I could persuade you to make it Thursday.

Your reply reached me only y’day. I enclose it. I read it simply as a confirmation of your coming on Tuesday & got up an impromptu party to meet you. Your message on the telephone saved us waiting much after 1 pm & we regretted your absence but had a good tiffin. I hope to be in Yokohama [sic. Tokyo?] on the 24th & to avail of your kind invitation for the Garden Party ³³ but am not quite sure, for I am under promise to go with the Dodds to Shoji at the end of this week, & may be I shall not be able to get back. By the bye if I come I may bring my niece [Miss Lily Cunliffe], for you have not asked her.

Yours truly
R.D. Robison

54. Robison to Satow (p. 89 in file)

³³ “Very fine day, and the party [for Queen Victoria’s 80th birthday, held at the Legation in Tokyo] well attended.” (Diary, 24 May 1899)

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

Yokohama 10th June 1899. [Ans. 12/-]

My dear Satow

Registration & Taxes.

While I have been away at Shoji [W.F.] Mitchell [Director of Samuel Co.] has approached the [Kanagawa prefectural] Governor on the above questions & the reply was: final instructions have not yet been received from the “proper quarter” but they are expected any day – and directly they are received, the Governor proposes to advertise in the newspapers the course that it will be necessary to follow by Foreigners. Prior to thus advertising the Governor will inform the Chairman of the Chamber of Commerce so that members of that body will receive warning in good time. Perhaps a reply will come to your enquiries prior to that even.

I am writing to try & get the [Japanese] F.O. to alter the law as to “Duties on goods placed in bonded warehouses shall be collected according to the Law in force at the date of the application for warehousing” and not as Great Britain & other countries, where Duty is always collected on Bonded Goods according to the Law in force on the date that “the Entry is passed for withdrawal from Bond.”

Our trip to Shoji was a great success in spite of going in a pouring rain and coming back in an open boat in ditto ditto.

I also went on into the Yamanashi ken [prefecture] & passed a couple of days in Kofu – a wonderfully fertile plain but not worked as it ought to be.

Yours truly

R.D. Robison

Have you received the Supplement to the Digest of the Codes – it has been revised.

55. Robison to Satow (p. 90 in file)

Yokohama

5th Sept. 1899.

My dear Satow

A gentleman from the Legation telephoned me this morning that you wanted a copy of Lönnholm’s Memo on Registration.

I send you two copies.

I have been away for a holiday at Karuisawa & was delighted with the place. The air is more like Scotland than any other I have been to in Japan. I had intended to come on to see you at Chiussenji but was prevented.

I had a note from Megata whilst at Karuisawa – in reply to a representation the International Com[mittee] had made on the subject of the new Regulation as to

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

Certificates of Origin. I then pointed out to him that it was not always possible to avoid the non arrival of this document at the time of the arrival of the goods – and we asked for at any rate, three months to correct the non arrival & then recover the excess of Duty paid. He had not understood the matter in the light we pointed it out, thought we were right and said he would talk with his chief & no doubt it would be satisfactorily arranged. Now he confirms that – but does not say how it is to be remedied. I also availed of the opportunity of our conversation to mention to him the inconveniences I had complained to H.B.M.'s Consul about – in the matter of Registration

That there was no notice in English as to which was the registration office at the Kusaibansho [regional court].

That the Registration Forms were in Japanese – and I suggested that these might be interlined by an English translation.

That an interpreter should always be found at the Registration office.

He now says “I told the Minister of Justice just what you told me - & he said that the matter is easily to be attended to.[”]

I have not yet found out if it has been altered – but when the mail has gone I will fo down and see.

Yours truly

R.D. Robison

56. Robison to Satow (p. 92 in file)

Yokohama 6th Sept. 1899.

My dear Satow

I am much obliged for your note – and will see if I can make use of what you allow me to say – on leases in perpetuity. There is a little storm brewing down here on the subject – but I have not got to the bottom of it.

I send you Circular No. 33. Three copies – if you need more I will try & supply.

Yours truly

R.D. Robison

57. Robison to Satow (p. 93 END in file)

Yokohama

29th Sept. 99.

My dear Satow

Thanks for your note of yesterday. I will try and show you Löhnholm's opinion on “Perpetual Leases” before circulating it – though I don't really think he will give us one

Correspondence and Papers (private). Japanese mission. Miscellaneous. R.D. Robison (Chairman, Yokohama Chamber of Commerce). (Satow Papers: PRO 30/33 6/13. March 1897 – September 1899)

at all – He has not been asked for it – the subject was merely mentioned en passant and he mentions it in the same way. He is now at work making a translation of the Law on Registration of Immovables that you asked for through Gubbins – he says it is a long task.

Yours truly

R.D. Robison

Hope you enjoyed your trip.

[End of file.]

Correspondence and Papers (private). Japanese mission. Miscellaneous. An address from the British community with numerous signatures. (Satow Papers: PRO 30/33 6/16. 27 July 1895)

Satow Papers: PRO 30/33 6/16

Correspondence and Papers (private). Japanese mission. Miscellaneous. An address from the British community with numerous signatures. (27 July 1895)

[Handwritten]

Yokohama, 27 July 1895

To

Sir Ernest Mason Satow, K.C.M.G. ¹

HBM's Envoy Extraordinary

& Minister Plenipotentiary

& Consul General

Tokio

Sir,

We the undersigned deem it a privilege as Englishmen, to meet here to day to present to you, in the name of the British community a short address of welcome, on the occasion of your return to this country, to occupy the high position of British Minister in Japan to which you have been appointed.

Happily, in your case, we feel that we are not addressing a stranger.

To many of us it is possible to claim the honour of a personal acquaintance, & though others are in this respect less fortunately circumstanced, yet we all alike feel that your name is a household word in our ears, when we look back to the history of this country in pre-Restoration days, & in the years immediately following that event.

When some eleven years ago, you left Japan to serve your country in other parts of the world in a diplomatic capacity, we watched your career with no small degree of friendly interest & pride. From Siam to Uruguay, from Uruguay to Morocco we traced your onward progress in the diplomatic service of your country, each fresh appointment

¹ "Cold voyage. From 17 to 25 hardly ever saw the sun, and thermo. abt. 40° to 50° [Fahrenheit]. Reached Yokohama in the afternoon, muggy and overcast, everything gloomy dark green foliage. Address from British subjects, presented by Jock [A.] Fraser, who introduced [Charles] Wirgman's caricature of me as "the centre of our policy in Japan" ! Made a feeble speech in reply, laudatory of Sir Harry Parkes as the most devoted servant of his country and countrymen in the East. There were [N. P.] Kingdon, [J. J.] Keswick, [A. J.] Wilkin, [J. H.] Brooke, [J.] Ricketts, [J. H.] Boag, [G. H.] Allcock, [T.] Thomas, Rev. Mr. Irwin, [John F.] Lowder, and a host of men whom I do not know. [James P.] Mollison came up to me at the station. [Gerard] Lowther, [Harold G.] Parlett, [Alfred E.] Wileman and [John C.] Hall came on board. [R. A.] Mowatt and [Henry C.] Litchfield were at the Consulate. [John H.] Gubbins and [Dr. Erwin von] Baelz at the station and [Joseph H.] Longford at the house." (Satow's diary, 28 July 1895)

Correspondence and Papers (private). Japanese mission. Miscellaneous. An address from the British community with numerous signatures. (Satow Papers: PRO 30/33 6/16. 27 July 1895)

bearing strong testimony to the trust reposed in you by your Sovereign, & in the Knighthood which Her Most Gracious Majesty [Queen Victoria] has been pleased so recently to confer upon you, we see fresh recognition of the esteem in which you are held at home.

You have now returned to the scene of your earliest labours, where, in a position of a less exalted nature than the one you are now called to fill, you then won fame & distinction, & where with the advantage of the able leadership of such a distinguished chief as the late Sir Harry S. Parkes, whose memory lives, & will continue to live strong in the hearts and affections of his countrymen in the Far East, you not only did good work as one of his lieutenants, but contributed so largely to the cause of scholarship in Japan.

We desire now to offer you our most cordial congratulations on the well merited distinction of Knighthood which has been conferred upon you, & at the same time to give you a hearty welcome back to Japan.

It is our hope that you may be spared for many years to come to discharge in the full enjoyment of health & strength the duties of that responsible position to which you have been appointed and we can assure you that any information that you may require at any time in connection with the commercial relations of this port [Yokohama], which it may be in our power to afford, will be gratefully & willingly given.

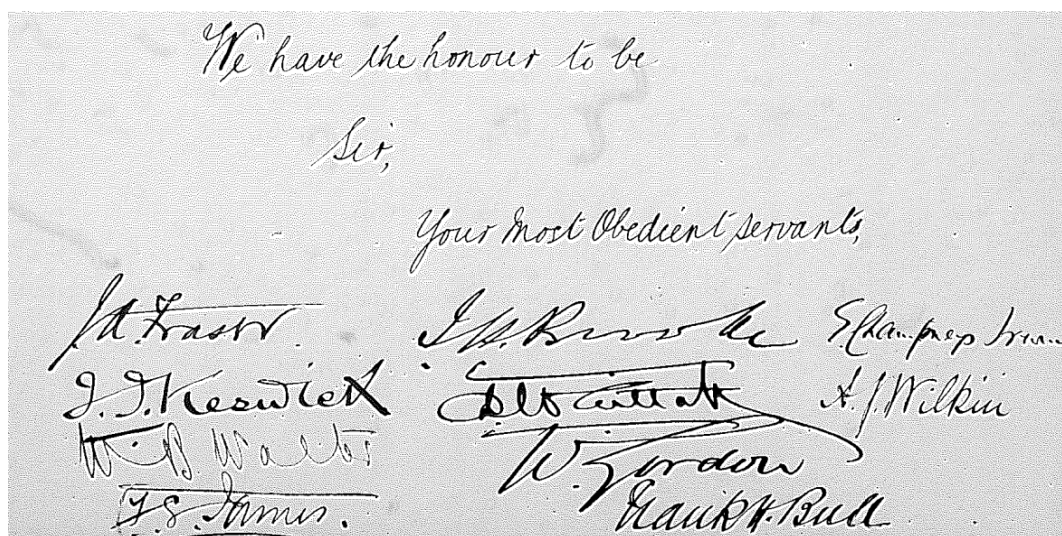
We have the honour to be

Sir,

Your Most Obedient Servants

J.A. Fraser et al.

Correspondence and Papers (private). Japanese mission. Miscellaneous. An address from the British community with numerous signatures. (Satow Papers: PRO 30/33 6/16. 27 July 1895)



The image shows a handwritten letter on a textured, light-colored paper. The text is written in cursive ink. At the top, it reads "We have the honour to be". Below that, "Sir," is written. The main body of the letter says "Your most Obedient servants,". The bottom of the letter is filled with several signatures, arranged in two columns. The left column contains: J.A. Fraser, J.J. Keswick, W.B. Walter, and F.S. James. The right column contains: J.H. Brooke, E. Champneys Irwine, A.J. Wilkin, W. Gordon, and Frank H. Bull.

Main signatories (first page)

J.A. Fraser ²

J.H. Brooke ³

E. Champneys Irwine ⁴

J.J. Keswick ⁵

E. Whittall ⁶

A.J. Wilkin ⁷

W.B. Walter ⁸

W. Gordon

F.S. James ⁹

Frank H. Bull

² John A. Fraser, nicknamed Jock/Jack Fraser.

³ John Henry Brooke, owner of the *Japan Herald*.

⁴ Reverend E. Champneys Irwine of Christ Church, Yokohama

⁵ James Johnstone Keswick, younger brother of William Keswick of the Jardine Matheson Company. See 'William Keswick, 1835-1912: Jardine's Pioneer in Japan', by Dr. Jim Hoare, *Britain & Japan: Biographical Portraits IV*, Chapter 10, pp. 111-117. (Japan Library, 2002)

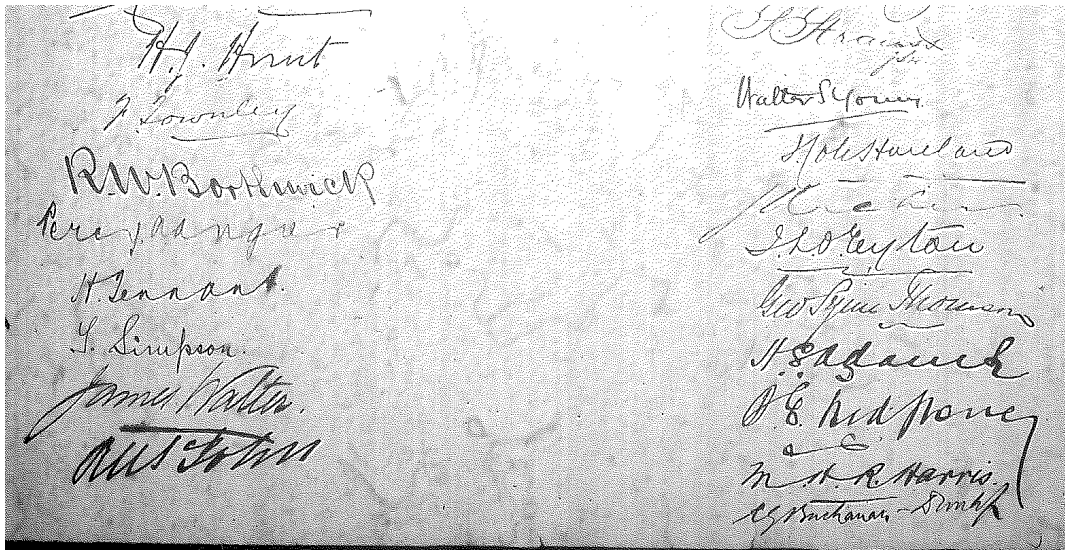
⁶ Edward Whittall of Jardine Matheson & Co.

⁷ Alfred J. Wilkin of Jardine Matheson & Co.

⁸ W.B. Walter, Vice-president of Jardine Matheson & Co.

⁹ F.S. James of Fraser Farley & Co., a trading company at Yokohama

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Note the duplication of the name H.J. Hunt which is to ensure that all names are included from the microfilm.

Correspondence and Papers (private). Japanese mission. Miscellaneous. An address from the British community with numerous signatures. (Satow Papers: PRO 30/33 6/16. 27 July 1895)

A. M. Watson
Mr. J. Fraser
H. M. Cochrane
pergentale
Roth. Hale
Jas. Elliott Dewey
G. J. Strone
W. L. Linton
William Ross
N. R. Kingston
James Proctor
M. H. B. B. B.
W. H. B. B.
E. H. H. H. H.
L. H. H. H. H.
G. H. H. H. H.
A. H. H. H. H.
J. H. H. H. H.
W. H. H. H. H.
F. H. H. H. H.
R. H. H. H. H.
A. H. H. H. H.
M. H. H. H. H.
J. H. H. H. H.

Correspondence and Papers (private). Japanese mission. Miscellaneous. An address from the British community with numerous signatures. (Satow Papers: PRO 30/33 6/16. 27 July 1895)

[End of file]

Correspondence and Papers (private). Japanese mission. Commission as Consul General. (Satow Papers: PRO 30/33 6/17. 1 June 1895)

Satow Papers: PRO 30/33 6/17

Correspondence and Papers (private). Japanese mission. Commission as Consul General. (1 June 1895)

“Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India &c. &c. &c. To all and singular to whom these Presents shall come, Greeting.

Whereas We have thought it necessary for the maintenance of a good understanding between Our Subjects and those belonging to the Emperor of Japan¹ and for the advancement and encouragement of the Trade of Our Subjects to and from the Dominions of the said Emperor, and for the good and more orderly government of all Our Merchants and others Our Subjects trading to or residing in the said Dominions to appoint some person to discharge the office of Consul General in the Empire of Japan to reside at Tokio within the said Dominions. Now know Ye that We reposing especial trust and confidence in the discretion and faithfulness of Our trusty and well beloved Sir Ernest Mason Satow, a Knight Commander of Our Most Distinguished Order of St. Michael & St. George have nominated, constituted, and appointed, and do by these Presents nominate, constitute and appoint him, the said Sir Ernest Mason Satow to be Our Consul-General in the Empire of Japan as aforesaid, Hereby giving and granting unto him full power and authority by all lawful means to aid and protect Our said Merchants and others Our Subjects who shall trade or reside in the Empire of Japan as aforesaid, their Ships, Vessels, Merchandise and Trade. And also as Our said [representative? Left blank in original.] to use his utmost endeavours to preserve and keep all Our said Merchants and Subjects in their rights and problems there, and also to examine and hear, and as much as in him lies, to compose and determine all and all manner of differences, contentions, suits, and variances that may or shall happen to arise in the Empire of Japan between Our Merchants and Subjects or any of them, and between any of Our said Merchants and Subjects and any of the Subjects of The Empire of Japan. To have, hold and exercise the said trust and employment of Our said Consul General in the Empire of Japan as aforesaid during Our Pleasure together with all the Privileges and Immunities thereunto belonging or appertaining therefore We do by these Presents strictly command and charge all and every Our said Merchants and others Our Subjects coming to or trading or residing in the Empire of Japan as aforesaid to take due notice of this Our Commission and yield obedience thereunto. And we do also, in a friendly manner, pray and desire The Emperor of Japan and all His Ministers and

¹ Underlined text is handwritten, inserted in blank areas of the original printed document.

Correspondence and Papers (private). Japanese mission. Commission as Consul General.
(Satow Papers: PRO 30/33 6/17. 1 June 1895)

Subjects whom it may in any way concern, to receive and admit him the said Sir Ernest Mason Satow as Our Consul General in the Empire of Japan as aforesaid and upon his reasonable requests to do him that justice and afford him that assistance which he may desire.

Given at Our Court at St. James's, the first day of June One Thousand Eight hundred and ninety five in the fifty-eighth Year of Our Reign.

By Her Majesty's Command

[signed] Kimberley”²

[End of file]

² Lord Kimberley (John Wodehouse) (1826-1902). English Liberal statesman. Briefly foreign secretary 1894-95, before a change in government. His successor in that post was Lord Salisbury. Satow had an interview with Kimberley, who was responsible for his appointment to Japan, on 31 May 1895 and presumably received this commission on that day or shortly afterwards. (See also PRO 30/33 5/1 in Volume One, No. 1, Kimberley to Satow, June 1, 1895.)