the ceremonies of representatives of different branches of the Government of the United States.

In reply I have the honor to inform you that measures have been taken with a view to complying with your request relative to the conveyance of these sentiments to the principal representatives of the government, who cannot fail to receive them with that gratification which is due to the high source from which they come.

I avail, &c., WM. M. EVARTS.

JAPAN.

No. 304.

Mr. Bingham to Mr. Evarts.

No. 667.] UNITED STATES LEGATION,
Tokei, Japan, November 13, 1877. (Received December 13.)

SIR: Referring to my No. 571, of date the 23d of May last, in relation to the Satsuma rebellion, and to my informal and unofficial suggestion to this government that mercy should be extended to the insurgents in the event of the assured triumph of His Majesty's forces, I have the honor now to report that since the suppression of the rebellion, to wit, on the 10th instant, there appeared in the Japan Daily Herald a statement from the Osaka Nippo, a Japanese journal, of the action of His Majesty's court, which sat at Nagasaki under special orders to try rebel prisoners, and which court was closed and terminated its labors on the 30th ultimo.

From this statement it appears that 38,514 persons were tried by the court for complicity in the rebellion, of whom 295 were acquitted, 35,918 were pardoned, 20 were fined, 107 were deprived of rank as shisoku (samurai, or sword-bearer), 1,793 were condemned to imprisonment with hard labor for terms ranging from thirty days to ten years, and 20 were adjudged to decapitation.

The editor of the Herald, in reproducing this report, remarks that "the Emperor was pleased to notify to the judges his approbation," and adds that "it is not to be gainsaid that the imperial government, while it was resolute, as in duty bound, in putting down the rebellion, has displayed that discretion which knows how to use a victory with mercy to the vanquished. In an Asiatic government such forbearance as has here been shown to rebels succumbing to the force of arms may be regarded as unique."

It is a pleasure to note that the Herald, which so often questions the essential rights of this government and writes in disparagement of its administrative ability, finds something to approve and commend in this instance.

I have, &c., JNO. A. BINGHAM.

No. 305.

Mr. Bingham to Mr. Evarts.

No. 672.] UNITED STATES LEGATION,
Tokei, Japan, November 15, 1877. (Received December 13.)

SIR: It is a relief to be able to say that from all advices the Asiatic cholera has happily disappeared from Japan.

In my No. 629, of date the 19th of September last, I acquainted you that this pestilence had appeared in Yokohama, 20 miles distant from this city. It is safe to state that about one-half of the persons attacked by the disease died, and that within the past two months eleven hundred persons died by this scourge in Nagasaki and its vicinity, an equal number in Osaka and Kioto (or Saikio), and about one thousand in Yokohama, Tokei, and vicinity. Of the loss of life from this cause in the country at large, I am not advised.

In the division of this city in which our legation is located, known as Tsukidji, there were but six deaths from cholera, which is in my opinion largely attributable to the fact that upon the first appearance of the plague in this location a board of health was organized, and its measures promptly enforced by this government, upon the request of my colleagues and myself. I regret to say that a Mr. Perry, his wife, and two children, American citizens resident here, were attacked by the disease, and that Mr. Perry and one of his children died. I solicited and obtained a place for their burial in this city. His wife and surviving child were provided for, chiefly by private contributions, and sent home to San Francisco, where their family friends reside. It would seem from the results of the efforts of the health boards of this city of a million of people, that the Asiatic cholera may be arrested by the prompt and liberal use of such disinfectants as carbolic acid, and by a careful regimen, thorough cleanliness, and the prompt removal of all impure matter from the vicinity of dwellings.

I have the honor to inclose a copy of an article on the subject from the Japan Daily Herald of this date (inclosure 1). I have no doubt the disease came from India to China and thence to Japan. I trust it may not find its way to America or Europe.

It seems to me not improper that I should again call the attention of the Department to the need of an appropriation of a few thousand dollars to be used as occasion may require, under the direction of the State Department, for the relief in case of sickness, or for the burial in case of death, of destitute citizens of the United States not in the merchant or naval service, who may in foreign lands suffer from disease or die. In my No. 212, of date the 6th of April, 1875, I brought this subject to the notice of the Department, and beg leave respectfully to refer you thereto.

I have, &c., &c.,

JNO. A BINGHAM.

[Inclosure in No. 672.]

DISAPPEARANCE OF THE CHOLERA.

[From the Japan Daily Herald, Thursday, November 15, 1877.]

The cholera reports for the last week warrant us in the belief that this epidemic has now been stamped out; its visit has lasted fully two months, and according to the Mainichi Shimbun the total number of cases in Yokohama and its vicinity up to the 12th instant were 1,128, the deaths 635, the recoveries 446, and 47 patients remain still under treatment.

Whence came this unwelcome visitation? Some are of opinion that its progress may be traced from India over the Straits Settlement to China, Amoy, and Nagasaki; others will have it that the state of the southern part of the province of Kiushiu was, toward the close of the rebellion, of such a nature as to be itself sufficient to breed a pest. Is Japan the limit of its progress, or is it now traveling eastward across the Pacific, the germs imbedded, may be, in a bale of goods, or in the contents of a passenger's trunk? It has been mentioned in a contemporary that, according to professional opinion, this visit of cholera in Japan is only a preliminary one, to be followed next year by the whole force of the enemy.

We presume to think that the causes and nature of the epidemic are as yet not sufficiently known to enable medical men to forecast its future movements with any degree of certainty. But in one respect it behooves us to act as if a repetition of the epidemic, increased too in severity, were a certainty; the pest-house must be built now, and thus be ready for an emergency that may arise at any time. It is impossible to shut our eyes to the fact that if the cholera this time had been of its wonted virulence, and had attacked resident foreigners generally, we should for some time have been in the direst confusion and perplexity where to receive and properly treat the patients. But whether cholera returns upon us next summer or not, the appearance of small-pox during the winter months impending may be looked for, and there is now no small-pox hospital for the reception of patients. The community will neglect taking precautions for its own safety if it omits making provision for a pest-house or hospital for the treatment of cases of epidemic disease of a virulent and dreaded character. We trust to the members of the board of health, now that the cholera has abated, bestirring themselves in this matter.

No. 306.

Mr. Bingham to Mr. Evarts.

No. 679.] UNITED STATES LEGATION,
Tokei, Japan, December 1, 1877. (Received January 10, 1878.)

SIR: On yesterday, the 30th ultimo, I had the honor to present to His Majesty the Emperor of Japan Rear-Admiral T. H. Patterson, United States Navy, commanding the United States naval force on the Asiatic station, and also his suite of eleven officers of the United States Navy, viz, Capt. J. Young, chief of staff; Commander R. Boyd, commanding United States steamer Alert; Fleet Engineer C. H. Loring, Fleet Surgeon D. Kindleberger, Fleet Paymaster D. A. Smith, Lieut. R. Wainwright, principal aid; Lieut. R. G. Davenport, aid; Fleet Secretary O. G. Sawyer, Lieut. W. S. Cowles, Lieut. W. W. Kimball, and Midshipman George C. Foulk, aid.

His Majesty most graciously received the rear-admiral and the gentlemen who accompanied him, and addressing them, His Majesty was pleased to say "that he was gratified to see them, and that he hoped they would enjoy a comfortable sojourn in the empire." The rear-admiral responded to His Majesty in a fitting and appropriate address, a copy of which I have the honor to inclose.

His Majesty having also addressed words of congratulation to me, I deemed it proper to thank His Majesty, as I did, for the distinguished consideration shown to my Government and its officers.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 679.]

Address of Admiral Patterson on the occasion of his reception by the Emperor.

It is very gratifying to have the honor of this presentation to His Imperial Majesty the Emperor of Japan, and the privilege of expressing in person the good wishes entertained by myself and all under my command for the welfare of His Majesty and his people.

The President of the United States will learn with pleasure, through the medium of the envoy extraordinary and the minister plenipotentiary of the United States near His Majesty's court, that the friendly audience has been extended to myself and suite.

No. 307.

Mr. Bingham to Mr. Evarts.

No. 682.] UNITED STATES LEGATION,
Tokei, Japan, December 1, 1877. (Received January 10, 1878.)

SIR: On the 30th instant, upon invitation, I visited, with my several colleagues, the Uyeno Park, to witness the closing ceremonies of the National Industrial Exhibition of Japan. The Emperor and Empress, with the imperial household and His Majesty's ministers, were present. His Majesty opened the ceremony by an address, in which he declared his approval of the management of the exhibition and the conduct of the officials. His excellency Mr. Okubo, minister of the interior, and his excellency Mr. Kumamoto, governor of Tokei, each addressed His Majesty.

I have the honor to inclose translations of the addresses of His Majesty and of the officials on the occasion, as published in the Japan Daily Herald of this date.

The exhibition has been highly successful, and has been visited by several hundred thousand persons.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 682.

The closing of the National Exhibition at Uyeno.

[From the Japan Daily Herald, December 1, 1877.]

At about 2 p. m. yesterday the princes of the imperial blood, the Daijin, Sangi, foreign representatives, and others, altogether nearly a hundred persons, had assembled to await the arrival of the Emperor and the Empress. Their Majesties left the imperial palace at 3 p. m., and arrived at the exhibition grounds at 4.15. The Emperor was led to his seat by the Daijo Daijin, the minister of the home department and the master of ceremonies; the Empress by the Udaijin. The Emperor, being seated, addressed the following words to the minister of the home department:

"The term for the national industrial exhibition having now come to an end, we, in person, perform the closing ceremony. We have been gratified by the manner in which the exhibition has been managed, by the zeal of every one of you and of all the departments."

The minister of the home department replied as follows:

"Your Majesty's servant, Toshimichi, most respectfully states that, the exhibition having been open its allotted time, their Majesties are now present to perform the ceremony of closing it and grace it by their presence, which overwhelms us with admiration and awe. Ten years have how elapsed since the restoration, and this exhibition was opened in order to stimulate the industry of the people, for the prosperity of a country depends upon the industry of its inhabitants. Your servant Toshimichi has been intrusted with the ministry of the interior and is in that capacity responsible for the government of the people. I hope that all will be loyal to your Majesty in return for your Majesty's merciful and sacred sway."

Next Kumamoto Masataka, chiji of the tokio fu, spoke in the name of the governors of the fu and ken:

"To-day, the 30th day of the 11th month of the 10th year of Meiji, the national industrial exhibition is closed by his Majesty the Emperor in person, and your servant Masataka is happy at being present on this occasion. His Majesty's care for industry becoming known throughout the whole country, porcelain wares were forwarded in such variety and quantity that they could not all find room within the six buildings; visitors from every place in the country thronged the exhibition grounds, every industry has displayed its skill, and the whole nation has understood the great utility of machinery. Articles of every possible variety have indeed been collected in this exhibition. Your servants are well aware that his sacred Majesty's benevolence will expand more and more, and they also know that it will not be long before another exhibition is opened.

We wait for the time when exhibitions will be opened in all of our districts.' Your servant Masataka, and others most respectfully offer our congratulations."

The buildings were then closed, and their Majesties went to the tokio fu building, where they took a rest while the military bands of music performed on their instruments. After their Majesties had witnessed a display of fireworks on the island in Shinobadzu Pond, with which they were highly pleased, they left the exhibition grounds at 6.30 p. m. During the afternoon the neighboring streets were crowded with people, and in the evening the houses were illuminated with red lanterns.

No. 308.

Mr. Bingham to Mr. Evarts.

No. 691.] UNITED STATES LEGATION,
Tokei, Japan, December 17, 1877. (Received January 19, 1878.)

SIR: A full legation has been accredited by the Chinese Government to this court, consisting of a first and second minister, the first having the title of envoy extraordinary and minister plenipotentiary, two secretaries of the legation, one of whom is a native Chinese and reported to be a learned man, the other Dr. D. B. McCartee, a native-born citizen of the United States, a gentleman of very high character, of liberal education, and a good Chinese and Japanese scholar, who has spent many years in China, and also some three years in Japan (since I came here) in the capacity of an instructor in His Japanese Majesty's Imperial College in Tokei. The legation is also supplied with four interpreters and nine attachés to perform clerical duties, &c., and is also attended by a number of servants. The legation arrived yesterday. It would seem, from the fact that Japan has established a legation in Peking and that China for the first time has accredited permanent ministers to this court, that these two powers seek by friendly and intimate relations to co-operate for their mutual interests in the correction of so much of the policy which by the co-operation of the Western powers has been fastened upon them to the hurt of their respective interests. It seems to me that it is fortunate that Dr. McCartee, upon the invitation of the Chinese government, accepted the position of secretary to the Chinese legation. When the doctor parted with the Chinese minister at Nagasaki, the minister said to him that he desired especially a letter of introduction to the American minister. When the doctor made mention of this to me, it seemed not improper to say to him that possibly the minister had learned the fact that Prince Kung, in 1874, had said, in an official communication to our chargé d'affaires *ad interim* at Peking (Dr. Williams) of my action in relation to the employment by Japan of an American vessel and of American citizens in the Formosa expedition, that it met the approval of the Government of China and showed "clearly that the United States is ready to maintain its peaceful relations with China, and this effort of the American minister in Japan to uphold treaty obligations is very honorable to him, and we (the prince and high officers) are deeply sensible of it, and shall feelingly remember it." (See inclosure No. 7 with my dispatch No. 98, of date July 16, 1874, to Mr. Fish).

I have, &c.,

JNO. A. BINGHAM.

No. 309.

Mr. Bingham to Mr. Evarts.

No. 712.] UNITED STATES LEGATION, JAPAN,
Tokei, January 12, 1878. (Received February 8.)

SIR: His Majesty the Emperor, as is the custom, invited the foreign representatives to audience at the imperial palace on the first day of the year, for the purpose of exchanging congratulations.

On this occasion, as on a former one, Her Majesty the Empress was also present, which I before noted, and now again note, as an evidence of the advancing civilization of this empire, in which, through twenty-six centuries preceding the present reign, no such consideration was shown to woman in her character of wife or mother.

I have the honor to inclose herewith copies, in English, of the address made on that occasion by the foreign representatives to His Majesty, and His Majesty's reply thereto.

I have, &c.,

JOHN A. BINGHAM.

[Inclosure No. 1.]

Address of the foreign representatives on the occasion of their reception by the Emperor, January 1, 1878.

The anniversary of the new year furnishes the foreign representatives accredited to Your Majesty an opportunity, of which they gladly avail themselves, of presenting their congratulations to Your Majesty. It affords them sincere pleasure to know that the relations of Your Majesty with the sovereigns and presidents of the states which they have the honor to represent continue to be of the most friendly character, and they trust that Your Majesty and the imperial family will long enjoy the blessings of health, and that Your Majesty's wishes for the peace and prosperity of your people will be fully attained.

[Inclosure No. 2.]

Reply of the Emperor to the address of the diplomatic corps, January 1, 1878.

I am glad to receive the congratulations of your excellencies at the favorable season of the new year, and rejoice to celebrate this happy occasion along with the sovereigns and presidents of the friendly powers.

I am glad, also, that your excellencies have entered upon the new year in health.

No. 310.

Mr. Bingham to Mr. Evarts.

No. 737.] UNITED STATES LEGATION, JAPAN,
Tokei, February 21, 1878. (Received April 1.)

SIR: I have the honor to inclose herewith copies of two several communications addressed to me in June last, by Rear-Admiral William Reynolds, United States Navy, commanding the United States naval squadron on this station, in relation to the use of harbor regulations and a harbor-master at the port of Yokohama, and suggesting that if I deemed it advisable I should bring the matter to the notice of the Japanese Government.

On the 16th of June last I acknowledged the receipt of Rear-Admiral Reynolds's communication of June 15, and soon thereafter I called at the

foreign office and verbally made mention of the subject, and suggested the propriety of some action on the part of His Majesty's Government for the better security and order of vessels in the port of Yokohama, and for the protection of the harbor, by preventing its obstruction, as was being done by the deposit therein of ashes, &c., from steamships, as represented to me by Rear-Admiral Reynolds.

I was answered at that time by the minister of foreign affairs' secretary that the subject would be inquired into, and that I would in due time be advised in relation thereto.

Having received no advices on the subject from the foreign office, on the 26th of November last I addressed to his excellency Mr. Terashima, the minister for foreign affairs, a dispatch, a copy of which I have the honor to inclose. On the 18th of December last Mr. Terashima replied that in 1872 harbor regulations for the port of Yokohama were issued by the Japanese governor (kewrei) of that port, after consultation with the foreign consuls, copies of which reply and of the regulations I have the honor to inclose.

Upon due consideration of the regulations, it is my opinion that they are reasonable; that they do not conflict with any treaty provision, and that they should be recognized and observed by all the naval and merchant vessels entering and clearing the port of Yokohama. Of course, for any breach thereof by any of our commanders or officers of vessels, the penalties prescribed by the regulations would not control the action of our consuls, inasmuch as by the treaty of 1858, and by the act of 1860, Americans offending in this empire against law are to be tried before our consuls, and after conviction to be punished according to American law. (Consular Regulations, 1874, page 193, article 6; and Revised Statutes, sections 4084, 4085, and 4101.)

The opinion herein expressed upon the validity of these harbor regulations rests upon the same reasons which I had the honor to assign for my opinion in the matter of the hunting regulations as communicated to the Department in my No. 17, and which was approved by the Department in instruction No. 18. (Foreign Relations for 1874, pages 653, 654 and 658, 659.)

I also respectfully refer to instruction No. 25 in reply to my Nos. 45 and 46 in relation to the regulations by this government of trade and travel in the interior. (Foreign Relations, 1874, pp. 670, 671.)

Permit me to add that I am the more assured of the rightful authority of Japan in the premises by your instruction to me, No. 296, of date the 8th of June last, in which you express the opinion that "there should be no attempt made to exercise control over the domestic and municipal affairs of the Japanese Government, by the foreign representatives, except so far as absolutely necessary to the enforcement of treaty stipulations."

The harbor regulations issued by this government seem to me needful for the good order and safety of the shipping in the port of Yokohama, and necessary to protect that harbor from dangerous obstructions by the discharge from vessels into the harbor of ashes and other waste matter, which discharge, as at present practiced, is expressly prohibited by the regulations inclosed. (Article VII.)

Trusting that my views may meet your approval, I beg leave to say that upon the receipt of your instructions to that effect, I shall take measures to have these regulations observed by all American vessels.

I have, &c.,

JOHN A. BINGHAM.

[Inclosure No. 1 in No. 737.]

Rear-Admiral Reynolds to Mr. Bingham.

FLAGSHIP TENNESSEE, SECOND RATE,
Yokohama, Japan, June 15, 1877.

SIR: I take occasion to address you relative to a matter that concerns the safety and convenience of ships of war and of commerce frequenting this port, in the hope that you may find it advisable to bring it to the notice of this government.

The port of Yokohama is at present without a harbor-master. The need of such an official is recognized in all harbors that are frequented by shipping, foreign and domestic. A harbor-master's duties are to see that the regulations of the port are carried out by vessels in coming to anchor, while at anchor, and in going to sea. I am not aware that there are any port regulations as to the anchorage of ships at this place in existence, while the necessity for them, and for a proper official to enforce them, is quite apparent.

Harbor-masters are to be found at the treaty ports of China, and of course at Hong-Kong. The port regulations of Hong-Kong are well adapted to the purpose.

Vessels loaded with combustibles take an anchorage apart from other ships, and far enough from shore to avoid endangering the town in case of explosion.

Ships of war can have their place of anchorage fixed.

Disputes as to anchoring-berths are decided by the harbor-masters; an important matter when collisions occur. A steam-launch, always ready for use, and an assistant to harbor-masters are requisite.

Admiral Ryder has addressed a letter to the British minister on this subject, and I believe Admiral Vernon will write to the French minister likewise.

I am, &c.,

WM. REYNOLDS,
Rear-Admiral, Commanding United States Naval Force, Asiatic Station.

[Inclosure No. 2 in No. 737.]

Rear-Admiral Reynolds to Mr. Bingham.

FLAGSHIP TENNESSEE,
Yokohama, Japan, June 22, 1877.

SIR: Captain Young informs me that he has heard from good authority that the depth of water at this anchorage is diminishing from the throwing overboard of ashes by steamships frequenting Yokohama.

This is another matter for harbor regulations to take cognizance of and for a harbor-master to enforce attention to. Ashes, as well as other *débris*, are not allowed to be thrown overboard in harbors, but scows are provided in which they are to be dumped and taken away for discharge at the place indicated by the authorities.

I am, &c.,

WM. REYNOLDS.

[Inclosure No. 3 in No. 737.]

Mr Bingham to Mr. Terashima.

UNITED STATES LEGATION,
Tokei, November 26, 1877.

SIR: In June last I received from Rear-Admiral William Reynolds, U. S. N., then commanding the United States naval force on the Asiatic station, a communication, in which he advised me of the need of a harbor-master in the port of Yokohama, and also the need of port regulations in that harbor.

Soon after the receipt of this communication I called at the foreign office to confer with your excellency on the subject, but not having the good fortune to meet you, I made known to Mr. Ishibashi the object of my visit, and suggested to him that he should bring the matter to your excellency's attention, and that also through the Japanese consul at Hong Kong a copy of the harbor regulations.

Having heard nothing on the subject, I now beg leave to suggest for your excellency's consideration the need of a harbor-master for the port of Yokohama, and the adoption of suitable harbor regulations by His Majesty's Government.

In my opinion the appointment of a harbor-master and the adoption of harbor regulations for that port rest exclusively with your excellency's government; but allow me to add that it is alike needful to the interests of your excellency's government and to

the safety of foreign vessels coming into that port that a harbor-master be appointed, and also that suitable regulations be adopted and promulgated.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure No. 4 in No. 737.]

Mr. Terashima Munenori to Mr. Bingham.

FOREIGN OFFICE, TOKIO,
The 18th, the 12th month, the 10th year Meiji (December 18, 1877).

SIR: I have the honor of acknowledging the receipt of your excellency's dispatch, under date of November 26, 1877, informing me that the adoption of suitable harbor regulations for the port of Yokohama is alike needful for the interests of my government and to the safety of foreign vessels coming into that port.

I beg to say, in reply, that the adoption of harbor regulations in that port is a matter that has been deemed quite essential.

I inclose herewith a copy of a draught of regulations which was made out by the kewrei (governor) of Kanagawa in the 10th month of the 5th year of Meiji (October, 1872), and concerning which he then consulted with the foreign consuls.

I avail myself, &c.,

TERESHIMA MUNENORI.

[Inclosure to inclosure 4 in No. 737.]

Yokohama harbor regulations ordinance.

Whereas the Government of Japan deem it expedient that certain regulations should be made for the maintenance of order and for the preservation of life and property within the port of Yokohoma: Therefore be it enacted and ordained as follows:

I. The boundaries, limits, and anchorage of the port of Yokohama shall henceforth be defined and taken to be as follows, viz: A straight line drawn from Treaty Point to the light-ship in a northeast by east direction, and a straight line drawn from the light-ship to the entrance of Tsurumigawa River, and all vessels shall be considered within the "port limits" when Mandarin Bluff bears from them southwest or to the southward of southwest.

II. Every master of a merchant vessel shall hoist the ship's ensign, and shall also hoist the ship's number at the masthead before entering the port of Yokohama, and shall keep such number flying until the ship shall have been reported at the harbor-master's office.

III. Every master of a merchant vessel shall within 24 hours after arrival within the limits of this harbor report the arrival of his ship at the harbor-master's office; and, in case of a vessel which is not represented by a consul, shall deposit there the ship's articles, register, list of passengers, and a true copy of the manifest, if required. In the case of a foreign vessel represented by a consul, the said papers shall be lodged by the master at the proper consulate, under a penalty of not exceeding $200 on refusal or neglect of the master to do so.

IV. Every master of a merchant vessel arriving in the harbor shall take up the berth pointed out by the harbor-master, or by any authorized person sent on board by him for that purpose, and shall moor his ship there properly, and shall not remove from it to take up any other berth without his permission, except in case of necessity, to be decided by the harbor-master, under a penalty not exceeding $100, and he shall remove his vessel to any new berth when required to do so by the harbor-master, under a fine not exceeding $20 for every hour the vessel shall remain in her old berth after notice to remove under the hand of the harbor-master, or his deputy, shall have been given on board of her.

V. Every master of a merchant vessel shall immediately strike spars, clear house, or shift berth, or obey any other order which the harbor-master may think fit to give, and any master willfully disobeying or neglecting this regulation shall be liable to a fine not exceeding $200.

VI. Every master of a merchant vessel about to proceed to sea shall, under a penalty not exceeding $50, hoist a blue peter twenty-four hours before time of intended departure, and shall give notice to the harbor-master, who shall furnish a port-clearance and shall likewise attest the manifest if necessary; and any ship having obtained such clearance, and not sailing within thirty-six hours thereafter, shall report to the harbor-master the reason for not going, and shall redeposit the ship's papers if required.

VII. No dead body shall be thrown overboard within the limits of the harbor under a penalty not exceeding $200, to be paid by the master of the vessel; and no stores or other ballast shall be thrown overboard within the said limits under a penalty not exceeding $100, to be paid by the master of the vessel from which such stores or ballast shall have been thrown.

VIII. Every commanding officer of a ship of war, or master of a merchant vessel, of whatever nationality, who may arrive in the harbor, having small-pox or any other disease of a contagious or infectious nature on board, shall hoist the proper quarantine flag, and no communication shall be held with any other vessel or boat, or with the shore, until permission be given by the harbor-master; and the boarding officer, on nearing such ship, shall be informed of the nature of the disease, that proper precautions may be taken, and assistance rendered, under a penalty, in any of the foregoing cases, not exceeding $200 for every offense.

IX. Every commanding officer of a ship of war, or master of a merchant vessel, having any such disease on board, shall forthwith remove his ship to any berth which shall be pointed out to him by the harbor-master, and there remain and keep the quarantine flag flying until a clean bill of health shall be granted by the harbor-master, and shall afford free access and render every assistance to any officer of health who may be directed by his excellency the governor to visit such ship, under a penalty not exceeding $200 for every offense.

X. In case of fire occurring on board any ship or vessel in the harbor, if at night, three lights shall be hoisted in vertical position at the highest masthead and a single light at the peak, and guns shall be fired in quick succession until sufficient assistance shall be rendered; and if during the day, the ensign shall be hoisted union down, with the signal in Marryatt's Code, 2104, "I am on fire," at the highest masthead, and guns fired as above provided for nighttime.

XI. Except as signals of the arrival or departure of mail-steamers or as signals of fire, as directed in section X of this ordinance, or under the sanction of the harbor-master, no cannon, gun, or fire-arm of any description shall be discharged within the limits of this harbor from any merchant vessel, under a penalty not exceeding $200.

XII. Every master of a vessel in this harbor shall, from sunset to sunrise, cause to be exhibited a bright white light from the starboard foreyard-arm at an elevation of not less than than twenty feet above the bulwarks, and in case of dismantled vessels or hulks wherever it can best be seen, and in default thereof shall incur a penalty not exceeding $100.

XIII. Every master of any vessel, of whatever description, in this harbor, who shall make or cause to be made fast to the public light-ship, or any of the buoys or beacons or their moorings, any rope, chain, or other gear, or shall foul, or in any way injure, the said light-ship, buoys, beacons, or moorings, shall, on conviction thereof, be fined a sum not exceeding $25, in addition to the cost of repairing or replacing the same.

XIV. A public fairway shall be buoyed off for the passage of ocean-going and coast steamers, and no vessel or boat of any description shall be allowed to anchor within such fairway, and the master of any such vessel or boat dropping anchor in or otherwise obstructing such fairway, shall be liable to a fine for each offence not exceeding $50, in addition to any other fine otherwise liable under this ordinanse in the case of sea-going vessels; and in the case of boats licensed by the harbor-master, to a like fine, in addition to forfeiture of license, if so adjudged by the harbor-master.

XV. The harbor-master shall have power to fix, from time to time, the place of anchorage for coasting steamers, and to grant permission to the owners of such steamers to lay down permanent moorings to be approved by him; but no coasting steamer shall drop anchor or moor within the fairway provided under section XIV of this ordinance.

XVI. The harbor-master shall have power to direct and enforce the anchorage of ships in such part of the harbor, for the purpose of discharging cargo, as he shall from time to time think necessary.

XVII. It shall be lawful for his excellency the governor, from time to time, to set apart a special part of the harbor for the anchorage of ships of war, and within such portion of the harbor no merchant vessels or native craft or boats of any description shall be permitted to anchor without the special sanction of the harbor-master in each case obtained.

XVIII. No powder-hulk or vessel of any sort used for storing gunpowder or any other explosive material will be allowed to remain within two miles of the port of Yokohama, and every such powder-hulk or vessel must at all times be open to inspection by a duly-authorized officer of the government, so as to insure that proper precautions are used on board of such hulk or vessel for the prevention of accidents; and in case the owner or person in charge shall refuse to allow such inspection, he shall be liable to a fine not exceeding $500.

XIX. The master of any such vessel as mentioned in the preceding section shall, as soon as possible, remove his vessel to the berth pointed out to him by the harbor-master, and the said vessel shall not be removed therefrom without the permission in writing of the harbor-master.

XXI. The master of every vessel having on board more than 200 pounds of gunpowder, or while engaged in shipping, transshipping, or discharging any quantity, shall exhibit at the highest masthead a red flag.

XXII. It shall not be lawful for the master of any vessel to transship any gunpowder or other explosive material between the hours of 6 p. m. and 6 a. m. from October to March inclusive; nor between the hours of 7 p. m. and 5 a. m. from April to September inclusive, without written permission from the harbor-master.

XXIII. It shall not be lawful for the master of any vessel having on board gunpowder, exceeding in quantity 200 pounds, to anchor nearer than 500 yards from any other vessel.

XXIV. A copy of this ordinance shall be delivered to each master of a vessel entering the harbor, and on neglect to return such copy on obtaining clearance a fee of one dollar shall be payable by the master.

XXV. Whenever the word "master" is used in this ordinance, it shall be deemed to include any person having charge of a ship or vessel or any other craft.

XXVI. All offenses against any of the provisions of this ordinance shall be cognizable by, and may be heard and decided by, the consul of the offending party, and in cases of persons not represented by a consul, all such cases may be heard and decided by the Japanese authorities at the Saibausho.

XXVII. Nothing in the sections of this ordinance numbered from XIX to XXIII, both numbers inclusive, shall apply to His Majesty the Emperor of Japan's ships of war, or to the ships of war of any foreign nation, or to the hired armed vessels in His Majesty the Emperor's service, or in the service of any foreign nation, or to government, naval, or military stores.

XXVIII. The above regulations of the port of Yokohama being duly in force, his excellency the governor of Kanagawa shall have power to make such alterations or additions thereto as he may from time to time think fit, the same having been previously laid before the several consuls for consideration.

[NOTE.—The above draught of regulations having been framed in October, 1872, was at that time made the subject of consultation between the governor of Kanagawa and the foreign consuls at Yokohama.]

No. 311.

Mr. Bingham to Mr. Evarts.

No. 796.] UNITED STATES LEGATION,
Tokei, Japan, May 16, 1878. (Received June 13.)

SIR: It is with sorrow that I have to report that on Tuesday, the 14th instant, his excellency Okubo Toshimichi, His Imperial Japanese Majesty's minister of the interior and councilor of state, was assassinated on a public street of this capital by six men armed with swords. The minister was, at the time, in his carriage, on his way to the imperial palace. One of the horses to the carriage was first killed and the other wounded by the assassins, and the coachman, having fallen from the carriage, was then also killed, when, falling upon the doomed minister, who was unarmed, each of the assassins inflicted wounds until the minister was dead. The six criminals then surrendered themselves to the imperial guard.

Having been told of this great public calamity a few hours after its occurrence, I immediately addressed a note on the subject to the foreign office, expressing the hope that the minister had survived the assault; and on being notified by the foreign office of his death, I called with the secretary of this legation at the house of Mr. Okubo, and expressed in person my sympathy for his family in their bereavement, and also addressed a note to his excellency the minister of foreign affairs.

I have the honor to inclose herewith a copy of Mr. Terashima's note to me and of my reply thereto.

For your information I also inclose four articles in relation to the assassination, published in and translated from the Hochi Shimbun, the

Nichi-Nichi Shimbun, the Choya Shimbun, and the Akebono Shimbun, each having been issued on the 15th instant.

His excellency Mr. Okubo was one of the foremost of the Emperor's counselors and officials and in the prime of life; his place cannot be readily filled. Having a personal acquaintance with Mr. Okubo, I greatly esteemed him. He was manifestly sacrificed by some of the aiders and abettors of the late rebellion, of which I had occasion to say heretofore in my dispatches that it was a rebellion "which should not have begun" and which was "without justification or excuse." Its suppression was a patriotic duty, and his excellency Mr. Okubo having done his duty in that behalf is now on that account murdered.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 796.—Translation.]

Mr. Terashima to Mr Bingham.

MAY 14, 1878.

SIR: I have the honor to hereby inform you that this morning, at 8 a. m., Okubo Toshimichi, councilor of state and minister of the interior, while on his way to call on the Emperor, was attacked and wounded by assassins, at Kirvaricho Kojimachi, and has since died.

With respect and consideration,

TERASHIMA MUNENORI,
His Imperial Japanese Majesty's Minister for Foreign Affairs.

His Excellency JOHN A. BINGHAM,
Envoy Extraordinary and Minister Plenipotentiary of the United States in Japan.

[Inclosure 2 in No. 796.]

Mr. Bingham to Mr. Terashima.

UNITED STATES LEGATION,
Tokei, May 15, 1878.

SIR: Your excellency's communication of the 14th instant is received, wherein you acquaint me of the death on that day, by the hands of assassins, of his excellency, Okubo Toshimichi, councilor of state and minister of the interior, while on his way to call upon His Imperial Majesty the Emperor.

The loss of this greatly esteemed and valuable minister of state is deeply deplored by me.

Accept, I pray your excellency, the assurance of my high consideration.

JNO. A. BINGHAM.

His Excellency TERASHIMA MUNENORI,
His Imperial Japanese Majesty's Minister for Foreign Affairs.

[Inclosure 3 in No. 796.—Translation.]

[Extract from the Japan Daily Herald, May 15, 1878.]

THE ASSASSINATION OF OKUBO.

From the Hochi Shimbun of May 15, 1878.

We have heard the following particulars with regard to the assassination yesterday, the 14th instant, of Mr. Okubo Toshimichi, Sangi and minister of the home department, aged 42 years:

At about 8.20 a. m. his excellency left his house in a carriage drawn by two horses to go to the imperial residence. Just as he arrived at a place commonly known as Shimidzudani, being lot No. 1 in the Kioi-cho, there came up from the opposite direction a young man dressed in clothing of light blue cotton cloth, holding in one of his hands some

flowers and singing a snatch of a song. He drew near to the carriage, and then, as a signal, threw down his bunch of flowers, and drawing a sword he had concealed on his person, tried to hamstring the near horse, whereupon, in a moment, five assassins sprang forth through an old wooden paling at the side of the road, brandishing swords, with which they struck blows around. The horses plunged forward and reached the front of the Kakuzensha site, when, the carriage being thrown backwards, the driver, named Yoshizo, was flung headlong to the ground, and at once cut down and killed. The carriage was then hemmed in both on the right and the left, and blows were struck, when his excellency received a cut across the eyebrow and several wounds on the face; as, however, he was not even then quite dead, he was dragged forth, and dispatched by a thrust through the neck. The groom who was riding behind the carriage ran off in haste to give the news at the police station, when some police inspectors and constables rushed to the spot, but all was over before they arrived. The assassins flung away their swords then and there, and ran off, with the intention of giving themselves up at the household department. There, however, they were surrounded by the men on guard, and in the mean time a number of police coming up bound and took them away. We hear that the names of the assassins are Cho Rengo, aged 18; Shimada Ichiro, aged 29; Matsumoto Otokiku, aged 24; Wakida Koichi, aged 25; Sugimura Bunichi, aged 24, all five being *shizoku* of the Ishikawa *ken*; and Asai Hisa-atsu, aged 23, a *shizoku* of the Shimane *ken*.

We are informed that the man called Shimada Ichiro is an officer of the Chikokusha (patriotism-advocating society) in the Ishikawa *ken*; and that Cho Rengo lived at Kagoshima up to the time of the rising of the insurgents in the west last year, after which affair he went back to that *ken*.

From the Nichi Nichi Shimbun of May 15, 1878.

The following notification was, on the 14th instant, issued by the *Daijo-kwan* to all the *Kwan, In, Sho, Shi,* and *Fu:*

"It is hereby notified that *Sangi* Okubo Toshimichi was, at 8 a. m. on the 14th instant, so severely wounded by assassins whilst on his way to the imperial palace, as to cause his death.

"The assassins—Shimada, Sugimoto, Cho, Wakita, and Sugimura, *shizoku* of Ishikawa *ken,* and Asai, *shizoku* of Shimane *ken*—were captured at the same time."

Look at the above-mentioned notification issued by the *Daijo-kwan!* What day was it, the 14th May, 1878? H. E. Okubo Toshimichi, an officer of the senior third rank, and decorated with the first class of the Japanese order, a member of the privy council and minister of the interior, has been assassinated at Kioi-machi (commonly called Shimizu dani), on his way to the imperial palace. It was the day appointed for distributing the decorations amongst the officers of the army and navy at the Daijokwan, and therefore his excellency left his house at Ura-Kasumigaseki at 8 a. m in a carriage drawn by two horses. The carriage was approaching Kioi-machi, and it was just at a spot where the rear of H. I. H. Kita-Shirakawa-no-miya's mansion is on the right, and the house of Mibu, the *kwazoku,* on the left, where there are some small mounds on either side of the road. Near Mibu's house mulberry trees had been planted, and the weeds had grown to such a height as to form a complete shelter for any one, and there were never many passengers in the neighborhood. On this occasion the scene had a peaceful aspect, the day was rather cloudy, threatening rain, and no one was in sight except two young men who were dressed like students, and who carried branches of a tree with flowers upon them. They stopped, and were playing with one another when a *betto* named Yoshimatsu came running along, and immediately after appeared the minister's carriage, driven by a coachman named Taro. The carriage passed just in front of the Akasaka gate and turned to the left, and just when it was opposite the side of Mibu's house, four men made their appearance from behind a little wooden building on the left-hand side of the road. They took off their coats and tied the sleeves of the garments very tightly around their waists, when they appeared in white shirts, and were all armed with long swords. They suddenly approached the carriage, and wounded the horses in the fore-legs, and these latter became unmanageable and fell to the ground. The coachman, greatly surprised, cried out Robbers! robbers! and letting the reins fall was about to jump down from the carriage, when the assassins advanced near, and with one blow cut him down from the shoulder to the breast. Immediately the two men with flowers in their hands, who had been walking together, had turned back, but were now armed with swords in place of the flowers, and the six men together ran up to the carriage, and as H. E. was about to get out from the left-hand door, and was trying to stand up on the ground, one of the assassins came forward and, aiming at his excellency's head, gave an awful blow which cut from the top of the head to the eyes, and at the same time cut off one of Okubo's hands which he had raised in his defense. They then drew the minister out from the carriage and inflicted several wounds in various parts of his

body, and one of them, taking up a short sword, stabbed him through his throat, to give him the *coup de grace*, and left the sword sticking in the wound. They then threw the rest of their swords into the carriage (or as some say into the weeds, which grow to a great height there), and went quickly away in the direction of Kojimachi.

Now the *betto*, having witnessed this wonderful scene while making his escape, immediately proceeded to the gate of the imperial palace, where he reported the matter to the guard. From thence he went to the police station outside Akasaka gate, and the news arriving at the same time from the imperial household department, sergeants and policemen were at once sent to the place. General Saigo Yorimichi, who was at the imperial palace, having received information of the event, immediately proceeded in his carriage to Kioi-machi with all speed. When he arrived there he found much blood in three places; there were two or three sword-cuts in the interior of the carriage, and the remains of the minister were still lying there while the policemen were making an inquisition into the affair. The general descended from his carriage, and, finding that the official inquiry had been finished, he ordered the remains to be covered with a blanket and to be placed in his own carriage, and the general himself conveyed them to his excellency's mansion.

On receipt of the news which the *betto* brought to the palace, the imperial household immediately placed extra guards at every gate. Meanwhile six men were seen coming from the direction of Kojimachi, towards the main entrance to the palace. On being asked who they were, two of them, who seemed to be the leaders, came forward, and in the calmest and most quiet manner spoke together in the following terms: "We have just now assassinated Okubo, *Sangi*, at Kioi-machi, on his way to the imperial palace, having awaited him there. Please report the matter to the authorities, and we will receive the punishment." The guards took the six men inside the gate, and forwarded their report to the authorities, and also sent word to the police station, from whence a police sergeant came directly with several policemen, to whom the six men were handed over, and were taken in *jinrikisha* first to the head station and afterward to the third section, where they have been examined. Their names are as given in the foregoing notification. A copy of a petition was found on them. Cho and Shimada look a little over thirty years of age, and the other four about twenty, or over. Two of the four had their *hakama* stained with blood.

We are as yet unable to give particulars of the examination, but it is said that Cho was a chief *shizoku* in the late Kanazawa *han*, who had a pension of 300 *koku*, and that Shimada was, until lately, a barrister. It is also said that all six were amongst the rebels at the time of the last Satsuma rebellion, but had returned to their homes about the middle of the insurrection.

His Imperial Majesty the Mikado, on hearing of this sad event, was exceedingly grieved, and sent his attendant, Tomikoyi, on a message of condolence to the home minister's house. The two Empresses did the same, and forwarded various presents. All the high officers of all the departments also visited the late minister's residence, and thus carriages were continually running about, and there was, for a time, great confusion. Mr. Kiriyama, the governor of Ishikawa *ken*, who is now in Tokio, proceeded to the police department at 4 p. m., and had not left at a very late hour of the night. A body of policemen were also detached to guard Okubo's house.

His excellency was one of the originators of the late restoration, and had a very onerous office imposed upon him as *sangi* and minister of the interior. His Majesty trusted in him, and the people placed their dependence on him, but now his life has been cut short by the swords of assassins. Alas! this is indeed a great sorrow for our country!

So many rumors have been current about this unfortunate event that it is impossible to say exactly what is true and what is false. It is possible, therefore, that there may be some wrong statements in the above; if so, we beg our readers to excuse us. We have only to add that his excellency's funeral will take place at two p. m. on the 17th instant, and that he will be buried at Awoyama, Tokio.

The *Choya Shimbun*, in mentioning the assassination of his excellency Okubo Toshimichi, says: "When we opened our letter-box about 3 p. m. yesterday, we found a letter addressed to us by Umemoto Rokuske, No. 6, Suido-cho, Koishikawa. On opening it, it proved to be 'the tale of a traitor's assassination,' in which the names of Shimada Kazuyashi, Cho Rengo and others were mentioned. It said: 'To-day we are going to assassinate Okubo Toshimichi in the public street, and we want our tale of a traitor's assassination published in all the newspapers. His crimes are the following: First crime, he scorns and oppresses the people, and his administration of public affairs is arbitrary; second crime, he confuses our laws and is always bent on increasing his personal influence and wealth; third crime, he wastes the finances of the empire on useless public works and superfluous public buildings; fourth crime, he dislikes the patriots and causes civil wars; fifth crime, he loses sight of the national dignity in his in-

tercourse with foreigners.' The letter consisted of thirteen sheets, written in a very good hand, and in a good style. We forwarded it to the police authorities, who have kept it until now. The letter also said that the persons mentioned in it at the time of the southwestern rebellion tried to join Saigo in defense of the righteous cause, but that they failed to accomplish their object. It is reported that Shimada, Cho, and the others were members of the *Chiu-koku-sha* (a patriotic society) in Ishikawa *ken*, and we hope shortly to be able to place more complete information before our readers."

The *Akebono Shimbun* says that the assassins have handed in a long petition, in which they state "that they were willing to sacrifice themselves on behalf of their country for the purpose of killing those high officers on whom the responsibility rests, and that Okubo *sangi* is not the only one who is to be killed, but he is the first one." When they were asked by the examining officer, "Why they killed the coachman?" they replied smilingly that "they felt it a pity to kill that coachman, but that they were obliged to do so because he attempted resistance."

The same paper says that immediately after the attack, an army officer from the barracks at Azabu happened to pass and asked the assassins, "what they had been doing?" They calmly replied that "what they had been doing was not for him to know, but that they were going to deliver themselves up and at the same time hand in a memorial, in which the reasons of their acts were plainly set forth." It is said that these six men have all been studying in Kagoshima for some years. These are, however, only rumors, the truth of which we cannot guarantee.

No. 312.

Mr. Bingham to Mr. Evarts.

No. 807.] UNITED STATES LEGATION,
Tokei, Japan, June 6, 1878. (Received July 6.)

SIR: Referring to my No. 796, of the 16th ultimo, wherein I acquainted you of the assassination of his excellency Okubo Toshimichi, I beg leave to further communicate a translation from the Nichi Nichi Shimbun (the official organ), an account of the funeral of Mr. Okubo and a memorial of his life from the Japan Mail. It was apparent in the many thousands who looked on in silence when the remains of the murdered minister were borne to the grave, attended by the personal representatives of His Imperial Majesty, by the ministers of state, and the representatives of all nations accredited to this court, and many people, that there was general and sincere regret that the minister was dead, and that so great a calamity had befallen the empire.

On the 15th of May, the day after the assassination and death of Mr. Okubo, His Imperial Majesty the Emperor addressed to Mr. Okubo a letter, a copy of which the foreign minister has kindly sent to me at my request. I inclose a translation of His Majesty's letter, in which he says to Mr. Okubo, as though present and in life: "You were indeed our most valued and trusted servant. In your untimely death we have, therefore, suffered the most mournful bereavement. In token of our respect we hereby confer upon you the title Udaijin, with the rank of sho-ni-i (senior second), and also present you with five thousand yen."

There is something very impressive in the simple faith of this people, that their dead still live.

I have, &c.,

JNO A. BINGHAM.

[Inclosure 1 in No. 807.—Translation.]

[Extract from the Japan Daily Herald, May 21, 1878.]

THE BURIAL OF OKUBO TOSHIMICHI.

(*From the Nichi Nichi Shimbun.*)

The obsequies of Okubo Toshimichi, on whom the title of Udaijin and the grade of senior second rank officer were posthumously bestowed, took place yesterday.

The funeral procession left the residence of the deceased minister in Sannen-cho, Kasumigaseki, Tokio, at 2 p. m., and winding its way by Uchi-saiwai-cho, through the Tora-no-mon gate, along Katohhia-cho past the public works department by the Seventh street of Ta-machi Akasaka, by Denna-cho over Ushinakisaka, reached the burial grounds at Awoyama. The procession was preceded by a police inspector on horseback, followed by nine mounted police sergeants, who rode three abreast. Then followed a regiment of cavalry, a company of sappers, and a band of music; next came two battalions of infantry and a field-battery; after these were borne aloft branches of the sacred tree Sakaki, and sixteen banners in red and white, in two files.

Then came Shinto priests on horseback, and ten musicians, in two lines, immediately followed by the coffin and its fifty bearers, accompanied by attendants, who carried severally the sword of the deceased, his shoes, and artificial flowers. Behind the coffin rode the chief mourner, Okubo Toshikazu, in a carriage, followed by the four sons of the deceased in another carriage. Then followed General Saigo, Lieutenant-Generals Oyama, Nozu, Takashima, and four other gentlemen. After a little interval came the imperial representatives, the princes of the blood, the ministers, the members of the privy council, the foreign representatives, other foreigners, and some of the nobles. Next in order came Kawaji, the chief of police, police inspectors, and police sergeants, all on horseback; the *Sonin* (the 4th to the 7th class), the *Hannin* (8th to the 17th class), the remainder of the nobles, and many other persons. A battalion of infantry and a field-battery closed the procession.

The soldiers carried their rifles reversed, and their arms, as well as the instruments of the musicians, were draped with white crape.

As soon as the coffin arrived in the cemetery at Awoyama, the troops took up a position to the west of the grave, and a salute of fifteen rounds was fired from a battery of six guns, while the priests performed the funeral service, the music played in a mournful strain, and when the service was over another salute of fifteen rounds was again fired. The coffin was then lowered into the grave, which was more than 15 feet deep, and when the grave had been filled up a tablet was placed upon it, which bears the following inscription: "Here rests Okubo Toshimichi, member of the privy council, minister of the home department, senior third rank officer, knight of the first class of the order of the Rising Sun, and, after his death, honored with the title of Udaijin, and senior second rank officer."

It is impossible to tell how many hundred thousands of people witnessed the funeral; the carriages alone were counted by hundreds upon hundreds; the streets, the entire route from Okubo's residence to the cemetery, were lined on both sides with policemen; men and women crowded like ants in the streets to have a look at the funeral, the splendor of which they greatly admired, but the sadness of their feelings made them all very subdued and quiet. The cost of the funeral probably amounts to more than 20,000 yen.

Nakamura Taro, Okubo's coachman, who was killed at the same time as his master, has been buried close to the latter.

[Inclosure 2 in No. 807.]

[Extract from the Japan Daily Herald, May 22, 1878.]

THE ASSASSINATION OF OKUBO.

(*From the Japan Mail.*)

The Japanese revolution, mild as its course has been, manifests its likeness to the bloodier revolutions of Europe in devouring its own children. Okubo Toshimichi, councilor of state and minister of the department of the interior, one of the leaders of the band of patriots who swept away the feudal system because it was a usurping despotism, fell, on the 14th instant, by the swords of assassins, who make it their first charge against him that he was an enemy to public discussion and the people's rights.

It may be true, as declared in the circular promptly issued by the authorities, that the actual perpetrators of the crime, the six youths now undergoing examination, represent the whole extent of the conspiracy; but we are not bound to receive on trust the further statement in the circular that the incident has no political significance.

Had the crime been the act of a solitary maniac, or the wreaking out of some feeling of private revenge, there would have been no great improbability in the official assurance thus spontaneously tendered; but the ink of the circular was hardly dry when an epitome of the manifesto setting forth reasons which actuated the murderers was published in one of the leading newspapers of the capital. It is scarcely necessary to dilate upon the abhorrence which deeds of this kind must excite in the mind of every well-wisher of this country, whatever may be the shade of his political opinions; but in view of the well-marked division of parties, of the prominent position held by the deceased statesman among the party now in power, and of the recent evidences of the intensity with which, under the external calm maintained by the strong hand of the administration, political ideas are fermenting and seething among the masses, it would be folly to attempt to shut our eyes to the fact that for the Japanese nation, and for the present cabinet in particular, the death of Okubo is an event of the utmost political significance. In order to be able to forecast the influence which it is likely to have upon the course of public affairs, it will be necessary to pass in brief review the career and character of the vassal whose loss the Mikado bewailed in words of such studied dignity in his address to the assembly of provincial governors.

Born early in the third decade of the present century, of a humble *samurai* family in the Satsuma clan, and nurtured in the traditions of haughty exclusivism and of jealousy of the Tokugawa Shoguns which were the heritage of the Thimadzu house, Okubo's sympathies were early enlisted in the literary movement which looked longingly forward to the restoration of the governing power to the sovereign's hands. Drawn toward Kioto, the center of this movement, he there cultivated the friendship of the few among the *Kuge* who gave signs of political capacity, and between these dignitaries on the one hand and the body of patriotic students like himself, the pick and flower of the various feudal clans, on the other, an alliance was cemented which formed the nucleus of the court party that ultimately overthrew the Shogunate. In the troubled times which followed the appearance of the foreign fleets in the harbors of the Kwanto, the politics of his own province afforded ample scope for the display of his remarkable intelligence and vigor. He was in the train of Shimadzu Saburo in 1862 when Richardson's life was offered as a sacrifice on the shrine of the offended dignity of that arrogant nobleman, and in the negotiations and fighting which ensued he proved himself one of the boldest and ablest members of the clan.

We must pass hastily over the five eventful years that elapsed between the fight at Kagoshima and the abdication of the last of the Shoguns; not because the part played by Okubo in the drama then enacting was an unimportant one, but because the interest of the story is now historical rather than practical. It was not till the very moment of the crisis, the fight at Fushimi, that Okubo stepped into the front rank of the councilors of the new government. It was at his urgent advice that the brocade banner was unfurled which stamped the Shogun a traitor. Immediately after he sent in a startling memorial, recommending the removal of the capital from Kioto and the abandonment by the sovereign of that excessively reverential ceremonial by which his assumption of semi-divinity was maintained.

In the discussion of this and other urgent questions of state, the wide difference in the caliber of the two sections of which the court party, now the new government, was composed was made abundantly manifest. The *Kuge*, whose whole stock of attainments consisted in a knowledge of court etiquette and a smattering of elegant literature, were as children by the side of the *samurai* leaders, men versed in the practical work of local administration, and bent on obtaining for themselves that position in the national councils to which their abilities justly entitled them. Between the old principle of office for the aristocrat, and the new principle of tools to the workmen the contest was not doubtful; and within a month of the presentation of Okubo's memorial, on the 6th April, 1868, the Mikado, under the most solemn forms by which a monarch can pledge himself, swore that he would establish a deliberative assembly, submit all measures to public discussion, and make intellect and learning the qualifications for office. On the removal of the court to Yedo, now Tokio, the new government found itself face to face with an array of probably as difficult problems in statesmanship as it has ever fallen to the lot of any administration to deal with. And after all deductions for inevitable mistakes have been made, the result is one of which any nation might reasonably be proud. But patriotic vanity is prone to forget both the stimulus and the help derived from the unwelcome contact of the foreigner. A burning sense of the inferiority of Japan to the once despised barbarians has been the mainspring at once of most of the beneficial reforms and most of the dangerous mistakes made by the administration now in the tenth year of its tenure of power. Okubo's name is imperishably associated with the long list of reforms which have changed Japan from a conglomeration of feudal principalities into a compact state of the modern type, but it is also connected in a special manner with most of the great mistakes that have alienated the sympathies of large classes of the people from the bureaucratic machine which governs them. Of all Japanese statesmen, he was the least distinctively Japanese. Something of a foreign strain, a strong dash of the

European, was perceptible in his character, fitting him to be the conductor of foreign influences and the interpreter of foreign ideas to his colleagues in the cabinet. Resolute, daring, and ambitious, he fancied that new institutions could be created as quickly and as easily as the old had been destroyed. Hence his eagerness to anticipate in his own lifetime results which must be the gradual growth of several generations. As a statesman, he was unquestionably inferior to his great colleague Kido, who represents the purely national side of the revolution, as Okubo represents the foreign influence which latterly has shaped its course. As a politician, his great defect was inability to estimate correctly the forces that opposed him. He forgot that, as he and his colleagues were gaining experience and assimilating new ideas, there were thousands of earnest and able minds throughout the nation undergoing the same process of development, and keeping pace with if not outstripping them in the race. The seminal ideas of liberty and personal rights have been sown broadcast among the people, and the popular party only waits for the appearance of competent leaders to manifest its strength. The broad question at issue between this party and the men now in power is whether the people are to have a voice in the work of civilizing themselves, or whether everything is to be done for them by a paternal government whose means of ascertaining their feelings and their wants are palpably defective.

The weighty significance of Okubo's death consists, then, it seems to us, in this, that it will put an end to the epoch of purely personal government, and leave the field clear for the initiation of constitutional government by party, a change for which, to the credit of Japan be it told, the nation is fairly ripe. That change and that alone will effectually remove the causes which produce such deliberate outrages as that which now wounds the self-respect of the nation and tarnishes its fame abroad.

Were it not that moral forces are in the main independent of the particular individuals who are moved by and transmit them, Japan might, perhaps, have reason to bewail as irreparable the loss of its three greatest men within a twelvemonth. Hardly a year ago, Kido, the finest intellect of the revolution, passed away in the deserved enjoyment of the confidence of his sovereign, the regard of his colleagues in and out of office, and the unqualified admiration of every section of his countrymen. But a few months have passed since Saigo, the most magnanimous spirit among the band that laid anew the foundations of the empire, fell, overwhelmed in a tempest of civil strife. And now Okubo, the most resolute will in that knot of councilors who have labored to wrench the nation from its ancient moorings and launch it in the current of modern progress, has fallen by the daggers of assassins. But the country need not and does not despair. It has made immense strides in political development since the days, so short a time ago, when reverence for the Emperor and hatred of the barbarians summed up its highest aspirations.

Fortunately for itself it has grown in intelligence sufficiently to know that its first want is no longer the ascendency of iron-handed leaders, but of—

> The law
> That from Discussion's lips may fall,
> With life that working strongly, binds,
> Set in all lights by many minds,
> To close the interests of all.

[Inclosure 3 in No. 807.]

To the late Okubo Toshimichi, senior officer of the third rank, with the first-class order of merit, councilor of state, and minister of the interior:

Having devoted yourself to the empire with patriotic zeal, and having served the sovereign with loyal faith, you originated and carried out the great measures which resulted in the restoration. Moreover, by your inflexible integrity and unremitting zeal you have accomplished invaluable services abroad, while by your intelligent judgment you have accomplished equal achievements at home. You were, indeed, our most valued and trusted servant. In your untimely death we have, therefore, suffered the most mournful bereavement. In token of our respect, we do hereby confer upon you the title of Udaijin, with the rank of shoni-i, and also present you with 5,000 yen.

[The Emperor's seal.]

The 15th of the 5th month.

No. 313.

Mr. Bingham to Mr. Evarts.

No. 821.] UNITED STATES LEGATION,
Tokei, Japan, June 29, 1878. (Received August 3.)

SIR: Referring to my former dispatches relating to the assassination of the late minister of the home department, his excellency Mr. Okubo, I note in the Tokio Times of this morning a paragraph setting forth that on the evening preceding his murder the doomed minister, referring to a letter which he had received warning him of a conspiracy to take his life, produced the letter to his friends at an entertainment, and, after reading it, said, "One's fate and life must depend upon the decree of Heaven," and added, "if my destiny has been fulfilled my end must come, though I should be surrounded by guards of soldiers."

I inclose the statement as published, and beg leave to add that I am greatly impressed with it because of the fact that our martyr President, Mr. Lincoln, upon the receipt (in November, 1864), by his faithful Secretary of War, Mr. Stanton, of the Selby letter, in which the purpose to assassinate the President was expressly declared, said to Mr. Stanton, as the latter informed me, that "if it was decreed he should die by the hands of assassins that it must be so, whatever precautions might be taken to avert their purpose." The Selby letter of which I speak is published in my argument on the trial of President Lincoln's assassins, in the volume on the trial, by Moore, Wilstach & Baldwin, page 381, and on page 73 of the printed official copy of my argument.

I have, &c.,

JNO. A. BINGHAM.

No. 314.

Mr. Bingham to Mr. Evarts.

No. 848.] UNITED STATES LEGATION,
Tokei, Japan, September 10, 1878. (Received October 18.)

SIR: Herewith I have the honor to inclose an editorial of the Japan Daily Herald of the 31st ultimo, together with the remarkable plea of the assassins of Mr. Okubo, His Imperial Japanese Majesty's late minister of the home department.

You will observe that the editor undertakes to lift the horrid and base and cowardly murder of Mr. Okubo above the "vulgar region of ordinary murder," because the motives of the assassins, the editor considers, were wholly political. So it seems if assassins declare their motives for assassination to be political it results that their declaration of political motives "elevates their great crime."

The tale of the assassination committed by Ichiro and his associates, as written by them and herein inclosed, contains nothing which I have occasion to note, save this, that in reference to the Lew Chew Islands the assassins say that "the inhabitants petitioned our (the Japanese) government with good reason"; that Japan took advantage of the inferior strength of the islands and compelled them to change their form of government and wounded their national feelings. They conclude by saying that in the foreign relations of Japan "the great point is not to possess brute force" nor "to oppress the weak and cringe to the strong,"

but to "have right and justice on our [their] side." (See last two paragraphs of their address to the Mikado.)

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 848.]

[From the Japan Daily Herald, August 31, 1878.]

THE PLEA OF SHIMADA ICHIRO AND HIS ASSOCIATES.

At the time when the late home minister was assassinated, we translated from a Tokio newspaper—the Choya Shimbun—a paragraph relating how, in the afternoon of the day on which the tragic event took place, the letter-box of that newspaper was found to contain a sealed statement, signed by the six assassins, and headed "Tale of a Traitor's Assassination," in which the motives of the conspirators were set forth. The Choya Shimbun published a few lines of that statement, and was in consequence suspended for some time, although it had immediately forwarded the original to the police department. A perusal of the document shows what an utter misrepresentation it was to pretend that Okubo's assassination had no political significance. Ichiro's statement is—*more Japonico*—written in a rather diffusive style, but the circumstances under which it was written gave it a peculiar interest, which is heightened by the fact that it, in the present gagged state of press and speech in Japan, stands forth as a unique expression of probably widely entertained opinions, and deeply felt grievances. Notwithstanding, therefore, the extravagance and exaggeration of language which, with the exception of the prefatory part, to some extent, vitiates the composition throughout, we have thought the production well worth translating.

The document is a lengthy one, and it gave us much trouble to procure a copy, owing to the fact of its having, for very obvious reasons, been, as far as possible, suppressed by the government. Nevertheless, a portion of it has been translated and published in the Shanghai Courier, and to-day we give extracts from such portions of our own full translation as come within the bounds of the legitimate discussion and criticism of government measures and policy. Libelous portions of Ichiro's complaints, reflecting upon the conduct of officials, whose names are mentioned, connected with the administration, we omit. The charges may or may not be true, but as we have no means of knowing, we should not be justified in publishing them to the foreign world. Entertaining, as we do, no feelings of hostility toward the members of the government, our only object in printing so much of the memorandum as we do is because it has now become historical, and derives a deep interest and significance from the fact of its authors having sealed it with their blood. From one statement made it would seem that the conspirators had long brooded over their design, and that they had waited for a fitting opportunity to put it into execution. As to their motives, they appear to have been wholly political; and this elevates the great crime they committed beyond the vulgar region of ordinary murder. When we examine the several articles of impeachment, we find a good deal of invective, based upon well-known facts, and the case against the government very well reasoned. Some charges, however, have no foundation beyond the mere prejudices of the writer and his class, especially those relating to the alleged waste of money and extravagance on public works and buildings, the expenditure of which, mostly taking place in and about the metropolis, perpetually provokes provincial jealousy and envy.

The allegation that the government in its intercourse with foreigners loses sight of the national dignity, we regard as wholly undeserved. Remembering the inferior rank which Japan necessarily holds in the congress of nations in comparison with the great powers, it is rather an excess of self-assertion that it is fairly chargeable with than the reverse; Japanese diplomacy, like that of other countries, is occasionally constrained by imperious circumstances to follow a line of action which it cannot avoid.

Taking Shimadzu Ichiro's complaints in their entirety; allowing for their bitterness and passionate tone, for exaggeration, the vituperation which characterizes many passages, and for its personal malevolence in places—nevertheless, with all these drawbacks, it merits very serious attention, for the defects of government which it discloses, and the vicious policy and misdemeanors it condemns. If the sentiments avowed by Ichiro are those entertained by any considerable section of the *samurai* class, it behoves the administration to consider of its ways; to earnestly set about the task, too long delayed, of its own reformation, and to make timely concessions to those popular demands which a bureaucratic oligarchy are always loath to make. The existence of men driven to desperation, like Ichiro and his associates, partly by real and partly by fancied wrongs, is a perpetual menace to an administration which governs by force. The members of the government carry their lives in their hands, and not one of them can tell which of their number shall not prove to be the next victim of political resentment, which, denied other expression, finds it in the malignity of whispered hate, in the ruthless steel of the assassin, or in fratricidal civil war.

"A TALE OF A TRAITOR'S ASSASSINATION.

"We, the undersigned, Shimada Ichiro, *shizoku* of Ishikawa *ken*, and five others, bow our faces in the dust, and, having resolved to die, we speak thus to His Majesty the Emperor, and to the thirty-five millions of our countrymen.

"After a careful consideration of the present condition of our country, we find that it is governed neither by the will of the Emperor nor by public opinion, but merely by the whim of a few government officers in high position. Men, placed in an elevated situation, honored with the confidence of His Majesty, and charged with the interests of the empire, should hold the welfare of the state superior to their own interests; they ought by their integrity, mercy, and justice to prove themselves worthy of the trust that has been placed in them. But this is far from being the case here. If we closely scrutinize the conduct of our present high officers, we shall find them caring only for their own affairs, and thinking lightly of their official duties; they do not allow the responsibilities of office to interfere with their rest and repose; and being cunning and greedy, they bring the sovereign into contempt and grind down the people. At last they have brought shame and humiliation to this country in such a degree as was never witnessed before, and they have done the people such injury as it will take thousands of years to heal. We shall now briefly state their principal crimes.

"*First crime.*—Their administration is despotic; they stifle the voice of public opinion and oppress the people.

"*Second crime.*—They confuse our law system by their arbitrary enactments; their constant aim is to serve their own interests and increase their wealth and power.

"*Third crime.*—They waste the revenues of the country on useless public works and superfluous public buildings.

"*Fourth crime.*—They dislike loyal and patriotic men, and by holding them in disgrace they cause domestic troubles.

"*Fifth crime.*—In their intercourse with foreigners they lose sight of the national dignity.

"The government of a country should have its support in public opinion, and a country is strong in proportion as its people are free.

"To stifle the voice of public opinion and oppress the people must end in the decline and fall of the country. Laws are the pillars of the country and the guide of the people; if they are passed and abolished in a disorderly and confused manner, the majesty of the law falls into contempt, and the minds of the people become bewildered. The revenues are the common property of the people, and are destined to meet the necessities of the country; if they are wasted it is the life-blood that is uselessly wrung from the people. The loyal and patriotic men are the soul of the country, and on them depends its rise or fall; if they are contemptuously thrust aside, the country must go to ruin. It is national dignity that makes our independence respected; if that dignity be lost, the country soon becomes lost. These five crimes have been the principal means by which the respect for the sovereign has been lowered and the people ground down, and these we have explained more fully in the subjoined inclosure. But, besides, hundreds of lesser and greater crimes have been committed, which it would be too tedious here to enumerate, nor is there any necessity for doing so, as the public are more or less aware of them.

"In consequence of these crimes of our * * * officers, the whole country is in a troubled state, and the obnoxious conduct of these officers has become the general topic of conversation, even on the street corners, and the subject of many petitions, but these officers make no sign of mending their ways. On the contrary, their tyranny and deceit increases daily; one penal law is enacted after another; the writers for the public press are silenced and imprisoned; they drive every able and patriotic man in the country into open revolt; they deceive His Majesty; they administer the laws of the country in their own selfish interest; they play fast and loose with the penal laws; they treat the able and patriotic men as if they were so many rebels, and in some grave instances it is believed that they have even secretly plotted the murder of the patriots. And when such secret plots are laid bare, then they call the whole country to arms to protect them from the consequences of their misdeeds.

"As long as Saigo and Kirino were still alive, our * * * officers stood in great dread of these men, and did not dare to commit such unjust and selfish acts as at present. But now Saigo and Kirino have gone, our * * * officers think they have nothing to fear, and there is no restraint any longer upon their injustice and tyranny. Their domestic policy is to treat the country as if it were their plaything, and the people as if they were their slaves; their foreign policy is to cringe to the foreign powers, thus surrendering the dignity of the country. In this way the imperial dynasty must fall, the country go to ruin, and the people become miserable, and whenever I, Ichiro, consider this, my mind is sorely distressed.

"When, last year, the southwestern troubles arose, I, Ichiro, and my companions were fully aware that Saigo and his followers were not rebels, but that the secret plotting of the government officers was the cause of all the trouble, and that, if Saigo

and his friends were vanquished, there was no longer any hope for our country. We therefore intended to join them, and hoped thus to be able to punish our officers, but we missed our opportunity, and were prevented from carrying our intentions into effect. Afterwards we considered that, if our * * * officers, being guilty of the crimes above mentioned, remain in office and continue to administer the affairs of our country, it is impossible to foretell what may become of Japan. On the other hand to kill these officers would revive the spirit of the patriots everywhere and arrest the decline of the country; it would at the same time as it threw injustice down in the dust raise the people out of its degradation. So we resolved to kill the traitors.

* * * * * * * *

"Therefore we resolved to commence by killing the two principal men, Okubo Toshimitsu and Kido Takamitsu; Kido, however, suddenly fell ill and died. Heaven has punished him for his crimes, and has chosen me, Ichiro, and my companions, to kill the others, for it is the will of Heaven that both shall be punished.

"By the command of Heaven and the will of the people, I, Ichiro, and my companions now slay the arch-traitor Okubo Toshimitsu with our sharp swords.

* * * * * * * *

"We, your servants, respectfully submit to your Majesty, and to our countrymen, that it is the unbearable state of our country which causes us to sacrifice our lives. When the country becomes governed by the sacred will of your Majesty, in accordance with public opinion, then Japan will again flourish.

"It is our fervent desire that the injurious effects of our officers' tyrannical administration may quickly disappear. If a national assembly be established according to the imperial promise made at the commencement of the restoration, and the imperial edict issued in April, 1875, and if the public opinion be thus consulted, then the imperial dynasty shall continue to reign in glory, the country shall last for ever, the people live in peace, and our desire shall have been accomplished.

"What will happen when we are no more? We shall never know; we bow to the will of Heaven. We have here exposed some of our views and the crimes of our officers, and we now submit to the judgment of your Majesty and our fellow-citizens.

"I, Ichiro, and my companions respectfully wrote the above in our intolerable grief."

The following is a circumstantial exposition of the five alleged crimes mentioned in the "Tale of a traitor's assassination," which was inclosed and forwarded at the same time to the Mikado:

"*First Crime.—Their administration is despotic, they stifle the voice of public opinion, and oppress the people.* Shortly after the restoration, an imperial edict was issued to the assembled lords, calling a general meeting, in which all public affairs would be decided in accordance with the wishes of the people. And the meeting was held, to which representatives were summoned from every *han*, who discussed in what way the public administration would most advantageously be conducted. At the same time the people had the right of petition, and thus public opinion had every opportunity of making itself heard and felt. But afterwards all this was changed; the hall of the general meeting was closed, and the *Sa-In* substituted for it, and again the *Sa-In* in its turn was closed and replaced by the *Genro-In*. During the time, however, as well of the general meeting as of the *Sa-In*, if any one presented a petition, his name and address were taken down in a book, and in course of time he was called and asked to explain his ideas, and if his petition was approved it was forwarded to the imperial government. In the contrary case, the petition was returned to him, and if it was only partly approved, it was retained for consideration. The petitioner was always duly informed of what had been done with his petition, and if he dissented from the opinions held by the members of the *Sa-In*, it was open to him to see them and discuss with them. In this manner there was a real right of petition. But under the present *Genro-In* things are managed quite differently. All petitions, whatever be their contents, whether they be reasonable or not, and whether they are approved or not, are received in dumb sllence, and what afterwards becomes of them is a perfect mystery; they disappear as effectually and without leaving more traces behind them than a stone thrown into the water. This being the case, and nobody caring to speak or write to no purpose at all, scarcely anybody now ever presents a petition; and if any one does, his petition is quite unheeded, so that the right of petition has become an empty formality, without any real significance. The imperial edict ordering a deliberative meeting, in which all public affairs would be decided according to the wishes of the people, is thus entirely forgotten. Our overbearing government officers contend that in no European country is it the custom to discuss the contents of a petition with the petitioner, or to give him special notice whether his petition has been approved or not. Now, this is an argument only fit for those who blindly and without discretion wish to introduce the habits and customs of civilized countries into our country. The people in Europe enjoy political freedom, they have their share both in the legislature and the executive; consequently there is no hard and fast line drawn between the government and the people; the people and the government are in constant mutual communication; no tyranny or op-

pression can be practiced by the government on the people, because the latter are constantly discussing the merits or demerits of the administration and the laws in their public meetings. As for individual grievances, the freedom of speech is so unlimited that they are easily brought to the attention of the authorities. In Europe, therefore, there is no necessity for petition. But look at our people! They are not permitted to hold public meetings for the discussion of the rights or wrongs of the administration or the laws. They have no other way to bring their wants to the knowledge of the authorities than by handing in a petition. How can this state of things be compared with that of Europe? If our right of petition is to be ruled by the standard generally adopted in civilized countries, then let them commence by granting our people their freedom and their share in the executive and the legislature. But while they frame our right of petition on the pattern of civilized countries, why is it that they do not also adopt the right of freedom that obtains in civilized countries? Is it that these governing officers only desire to adopt what suits their own convenience, and leave alone what might be inconvenient to them? The manners and customs of civilized countries only serve them as a pretext for oppression. The imperial edict issued in April, 1875, proclaimed a 'constitutional monarchy,' and the officers notified the edict throughout the whole empire. Now, when we consider what in western countries is meant by 'constitutional monarchy,' we shall find that it invariably means a monarchy in which the people are admitted to a share in the three great political powers of state, the executive, the legislature, and the judicature, the legislalature being in the hands of the national assembly. In this manner government in its three great ramifications is controlled by the people. Now, if our country had been truly made a constitutional monarchy, those three great political powers must at once have been kept separate from each other, and the legislature committed to the people. Since Soyeshima Taneomi, ex-*Sangi*, and others, had in the year 1873 forwarded their petition, in which they demanded a representative assembly, that question had become an important and all-absorbing one; some were in favor of a popular representation, while others pooh-poohed it. But times have progressed since, and at present there is scarcely any one who denies the beneficent effects of a representative assembly. The government, however, has not the courage to try it; is that the reason why our officers deny it to the people? Our officers, it is true, affirm that the degree of civilization to which our people have attained does not yet admit of a parliament. But the degree of civilization, to which our people have or have not attained, never made our * * * officers hesitate for a moment in introducing all sorts of customs and habits belonging to civilized countries, and for that purpose change the form of our administration, the architecture of our housee, the building of our roads, or to import all kinds of foreign machinery. How comes it, then, that a parliament is the only foreign institution that does not suit our people?

"At the beginning of the restoration, the Emperor ordered a general deliberative assembly, and afterward an imperial edict was issued which proclaimed a 'constitutional monarchy.' This proves that it was His Majesty's will to establish a national assembly, and the people have now for years been in expectation of it, as eagerly as husbandmen after a long drought yearn for rain. Only our officers do not want it. Is it because it might be inconvenient to them?

"Again, at the beginning of the restoration, when our administrative system was reorganized, it was provided that the term of service for all government officers should be four years, and that they should be chosen and reappointed by public vote. Since that time our administrative system has often been recast, but no further mention has ever been made of a fixed limit for the term of office. Some departments and bureaus have been abolished and new ones substituted, but through all these changes certain high officers have managed to keep their rank and position, as if the same were hereditary in their families. What has then become of 'appointment by public vote'?

"We have already mentioned that these * * * officers under an outward mask of uprightness conceal an utter selfishness; they deny the people their birthrights, and hinder them from openly stating their legitimate wants, and therefore, we repeat it, they stifle the voice of public opinion, oppress the people, and govern it in their own interest.

"*Second crime.—They confuse our law system by their arbitrary enactments; their constant aim is to serve their own interest and to increase their own wealth and influence.* Laws and regulations ordering what to do and prohibiting what not to do are now issued, accordingly as it suits the convenience of the government officers, without any regard to the wants of the people. The laws are, therefore, constantly altered. What was law in the morning ceases to be law in the evening. Thus the people become confused and are entrapped by severe and tyrannical laws. In some cases our officers, without due reflection, adopt the laws of western countries and want to subject our people to them; and if the people complain that these laws do not suit them, then our officers rebuke them and tell them that it is the duty of the people to obey, and that the law in such and such a foreign country is such and such. But our ignorant people do not know what their duty is, nor do they understand the laws of foreign countries, so they

become sullen and brood in silence over their wrongs, hating the officers, whose power they know it is useless for them to try to resist. Such is at present the state of most of the *ken*.

"In our Ishikawa *ken*, for instance, the officers are constantly grasping after more power, and their administration is arbitrary and for selfish ends. An old proverb says: 'Whatsoever the highest in the land are doing, the lowest in the land are sure to ape them,' and unless the central government were enacting rules and prohibitions in a loose and disorderly manner it would never have happened that every *ken* in the country was in such a state of confusion. The laws should be the means of upholding justice and of preventing both government and people from wrong-doing; but our officers administer the laws solely for their own private ends.

"An instance of this is the affair of the copper mines, and * * * which caused a great stir among the public. Makimura Masanao was arrested by orders from the *Shihosho*, and again suddenly set at liberty by a special order. His arrest was evidently not ordered by His Majesty, but was an arbitrary act committed by our * * * officers, and in consequence of such acts we now frequently see the officers of the department of justice compelled to resign. Ozaki Samro and Inouye Ki once brought an action against a newspaper editor, because he had written a certain article against Ozaki Ki and Inouye Samro. They pleaded that he had only transposed their names, and that his article was meant for them. And although there was no evidence at all that they were meant by the transposed names, and the charge rested solely upon guess and supposition, the judge nevertheless accepted their complaint and condemned the editor. After sentence had been passed, it came out that they were really meant by the transposed names, but when the case was tried before the judge there was no evidence of it at all. But if guess and supposition be sufficient to condemn a man, then it may happen that when a person has lost one of his fowls, and he sees another man eating fowl on the same day on which he lost his own, he may bring an action against that other person for having stolen his fowl. What would we say of a court which, in this instance, took the charge for proven without any further evidence? When the press laws were first issued many people were thrown into prison for having violated these laws, although they were quite ignorant of having committed any offense, but nevertheless the judges never failed to condemn them.

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"We said already that our * * * officers administer the laws of the country in their own interest, and not only does each and every one of them administer the laws in his own interest, but they assist each other and favor each other in that administration, and the one helps to cover up and conceal the * * * of the other. Clique government has now become the rule, and extends even to the lower officers, who are either bound to the higher officers by the ties of relationship or depend upon them as far as their promotion or discharge is concerned. Even the merchants find it to their advantage to flatter and bribe the high officers. When officers meet together their conversation always turns upon Mr. So and So having got a place through the patronage of Mr. So and So. When merchants meet the talk is: 'If you apply to such and such a minister your petition will be granted'; or, 'If you address yourself to such and such a chief of department he will give you the desired permission'; or else, 'Such and such a minister has formed a company jointly with such and such persons,' and 'Such and such a vice-minister has established a manufactory in company with such and such persons.' In this manner one officer abets another in his nefarious proceedings, and officers and private individuals are mixed up together in lucrative bargains. These unpleasant things are openly talked about, and thus they reach our ears. We were, therefore, right when we said that our officers confuse our law system by their arbitrary enactments, and that their constant aim is to serve their own interest and to increase their wealth and power.

"*Third crime.—They waste the revenues of the country on useless public works and superfluous public buildings.* It would appear that our officers at present have nothing so much at heart as to make roads and streets, erect new public buildings for the various government departments, and construct highly ornamental official residences, and they say of course that this is merely an adoption of the ways of civilized countries. But ornamental buildings are not civilization; civilization may be the force which, among other things, creates ornamental buildings, as the trunk and branches of a tree spring from its roots. If, then, we take good care of the root, the branches will take care of themselves and grow stouter and denser. Our officers, however, only care for the branches, not for the root; what they want are the ornamental buildings; the force that would spontaneously produce these they neglect. How came the countries in Europe to be possessed of venerable castles, excellent roads, splendid palaces, railways, telegraphs, gas, &c., &c., and other things from which the people derive comfort and advantage in their daily life? Each country had a succession of great men, who extended the boundaries and increased the power of his country, strengthened the army and made the people prosperous. But to arrive at such a state of perfection took centuries; and now here, a few years after the restoration, when everything is still in

a state of transition, our officers waste our revenue and turn everything topsy turvy in order to bring our country with one bound to the same state of perfection as civilized countries. Therefore we say that they waste the revenue on useless works and superfluous buildings.

"*Fourth crime.—They dislike the loyal and patriotic men, and by holding them in disgrace they cause domestic troubles.* In October, 1873, Saigo and four other *sangi* resigned office; the cabinet was broken up in consequence, a general excitement spread throughout the country, and one revolt raised its head after another. Searching for the cause, we find the question of the invasion of Corea to be at the bottom. Our * * * officers refused to entertain the question, and the five *sangi* threw up office in disgust. Now, with regard to the invasion of Corea, if our officers, although they had their own opinion on the subject, really wished to act to the best for the country, why did they not consult the rest of the cabinet, and through a discussion try to arrive at an impartial decision?

"The reason why they did not do so was that their cause was a weak one. When the Saga *samurai* demanded that Corea should be invaded, they had no intention of taking up arms against the government, but the government became suspicious of their meetings and discussions, and ordered the *ken* officers to disperse them by armed force. This roused them into resistance, but who but the government provoked their resistance? The duty of the government is to rule the people gently, and not to provoke them and drive them into revolt.

"As for Mayebara Isei, it is likely enough that he struck the first blow, but his revolt was caused by the anger he felt at the intolerably overbearing conduct of our * * * officers. The government ought to rule its subjects with equal justice and impartiality, but how is that possible when it feels suspicious and distrustful of its subjects? The revolts of both Yeto and Mayebara were caused by their anger and dissatisfaction, and are so far unjustifiable, but it was the misrule of the government that provoked their dissatisfaction and made them appear rebels. The true rebels against our country are our officers; they bring the sovereign into contempt, grind down the people, toy with the laws of the land, use them as instruments for their personal profit. Yeto and Mayebara did not rebel against His Majesty; their patriotism caused them to unfurl the standard of revolt. With what grace did our * * * officers look down upon them as rebels, and put themselves forward as His Imperial Majesty's most worthy ministers?

"The Kagoshima affair last year was solely and entirely due to the secret machinations of our officers. Some insight into these machinations was obtained by the general public, but the whole truth was never fully revealed, and therefore we shall do so now. When Saigo, Kirino and the others resigned office, a general excitement seized the imperial guards, and under the pretense of illness everybody resigned and retired to his native province. Saigo and his friends tried to keep them quiet, and established the 'private school,' in which these men were taught military science. The obvious reason for this was that as our * * * officers wasted their time in sloth and idleness, it would be difficult to defend the country if ever foreign troubles should arise. Therefore the pupils of the school wanted to prepare themselves to do their duty to their country, and their intentions went not any farther. But our officers were seized by an uncontrollable fear, and sent spies to examine and report upon the movement, * * * secretly plotted the assassination of Saigo, Kirino, and Shinowara, as soon as an opportunity should present itself. The plot, however, was discovered, and then Saigo and his friends wanted to get at the bottom of it, and for that purpose to proceed to Tokio. But then the officers declared that the plot was only an invention of the 'private-school' party. This, however, cannot be, for if there were no plot, how came it to be confessed by the would-be assassins? Even if one or two of them might have been unable to stand the pains of torture, and consequently confessed himself guilty of what he was in reality innocent of, their tales must have differed. If they did not speak the truth, it is impossible that they could all tell the same tale. No torture could have had that effect. And even if the * * * officers had not sent Nakahara and his followers as spies, and had not given them secret instructions, but Nakahara and his followers nevertheless confessed such things, although not true, can our * * * officers honestly blame Saigo and his friends for putting themselves at the head of an army? Saigo and his friends acted as they did because they believed the confessions of Nakahara and his followers. To ascertain the truth, Nakahara and his followers ought to have been examined afresh. But this was not done, matters were left in darkness, and every effort was bent upon crushing the rebellion by main force. Our * * * officers issued a proclamation that Saigo had violated the laws of his country and ought to be punished. They declared that the country was in danger, and Saigo's army exceedingly strong, and that there, therefore, was no time to make inquiries into the assassination charge.

"Now, the duty of a government is to rule with impartiality and justice, and if Saigo were guilty and had deserved punishment, his guilt ought to have been ascertained and proven before punishment was decreed against him. The government,

however, made no inquiry, because, forsooth, the country was in danger and Saigo at the head of a strong army. But how could the government, wielding as it did the entire military force of the empire, be in such dread of that small 'private school' party, that it had no time to inquire into the charge? If our officers had been truly desirous to do their duty, what could have prevented them? Any one of them might have procured an Imperial order, and taking some law-officers along with him, have set out to meet Saigo on his march. When then the Imperial order had been communicated to Saigo, and a thorough investigation had been made, and Nakahara and his followers had been proved guilty, then let them have been punished; if, on the other hand, the assassination plot proved to be a pure invention, and a mere pretext of Saigo and his friends, then let them be punished. If the government had acted in this just and impartial manner, and Saigo and his friends had not submitted, but still held aloft the standard of revolt, then they would indeed have become rebels and the enemies of the country, and the government would have been perfectly justified in putting them down by armed force, nor would there either now, nor afterward, have been raised a single voice throughout the empire to blame them. All this our officers knew perfectly well, but the thing is that their conscience was not clear. Therefore they deceived the Emperor, used the army for their own purpose, and drove Saigo and his friends into rebellion. Thus they managed to throw dust in the eyes of the people and to succeed in their treacherous scheme. Afraid of their power, nobody now dares to speak of these doings of theirs, but at some future time public opinion is sure to find a vent, and their names will be handed down to posterity blotted with a foul stain. The public blame Saigo and his friends for having set out at the head of an army, and say that as they violated the laws of their country, they were justly punished for their crimes. But this is a shallow judgment that does not look beyond the surface of things. As long as a government does its duty to the people and administers justice with impartiality, it is the duty of the people to obey and to keep peace. But if the government acts contrary to its duties, violates the laws and oppresses the innocent, then the government ceases to be a lawful government, and the people have a right to see that the laws are observed, and are not bound meekly to submit to oppression. When, therefore, Saigo and his friends wanted to proceed to Tokio for the purpose of inquiring into the circumstances of the secret plot, they were perfectly justified in doing so; and if the pupils of the 'private school' wished to accompany them for sake of protection, they also had a right to do so. From their desire to serve their country, the pupils of the 'private school' had been following Saigo's lead for years; in protecting Saigo they thought they protected their country. When the government, acting contrary to its duties, attempted to injure its subjects, then they took up arms and looked out for themselves. We do not mean to espouse the cause of Saigo, but ignorant as they are of the true mainsprings of men's actions, the general public are fond of passing their superficial judgments, like swallows and sparrows, that chirp and twitter when they behold the eagle soaring high above them. Therefore we have thought proper to give a plain statement of the facts.

"As already mentioned, these traitors have committed all sorts of unlawful acts, and brought about a general dissatisfaction, and we were right in charging them with keeping the loyal and patriotic men in disgrace and thus creating civil wars.

"*Fifth crime.—In their intercourse with foreigners, they lose sight of the national dignity.* A number of years have already passed since the reign of the Bakufu, and during the whole of that time our country has been looked down upon by foreign powers; the injurious effects of this are becoming daily more manifest. The foreign powers are the strongest, and we have had to submit, and however repugnant to us, we feel it every day in our intercourse with foreigners. This ought now to be changed, and our foreign relations ought to be put on a footing in better harmony with the principles of international law. The obvious means for effecting this is a revision of the treaties; without such a revision the prestige of the nation can never be restored. But a revision presents very serious difficulties. And why? Because our military organization is not yet sufficiently strong to enable our country to cope with foreign powers. Our most important problem at present is therefore to strengthen our military system that we may be prepared to defend ourselves by force of arms. This, however, requires a vast outlay, and it is therefore absolutely necessary to practise the strictest economy in every other branch of the administration, and avoid all useless expenses. When therefore I, Ichiro, and my companions discuss our foreign relations, we confine ourselves to insisting on the urgency of a revision of the treaties; and as to the revision of treaties, we do not enter here into details, but we merely say that our military force ought to be increased and kept in perfect readiness, and that, as this would cost a large amount of money, all unnecessary expenses in other branches ought to be cut down.

"If now we examine how our * * * officers manage this particular and all important task, we see them reposing in comfortable indifference, and wasting the public revenue on useless works and ornamental buildings, but no heed is taken of our military service, and expenses in the other branches are daily increasing. More than

ten years have now elapsed since the restoration, and nevertheless neither our fortifications, nor our navy, nor the armament of our army are in the proper state of perfection, although all these things are of paramount importance for the defense of our country. At this rate it is impossible to tell whether we shall ever be in a proper state of military preparation. Consequently we shall be unable to procure a revision of the treaties, although the treaties have expired long ago, and if the treaties remain unrevised year after year, our country must sink lower and lower and our people become more and more worried.

"What was the result of the Formosa expedition in 1874? We spent the lives of our youth and our treasure to no purpose whatever. We were hoodwinked by China, which paid over to us a small amount of money in return for the roads we had built on the island, while our government made our people believe that China had paid us a war-indemnity. Why does the government always deceive the people?

"Our present relations with Corea are mere humbug. From the times of the Emperors Chin-ai and Ojin (the fourteenth and sixteenth successors of Jimmu Tenno), Corea became a dependency of Japan and paid us tribute. The Coreans, however, took advantage of our intestine wars and ceased paying tribute; then Taiko-sama invaded Corea with a large force and subjugated it afresh. And now we have made a treaty with them on equal terms! We grieve for our Emperor, who is thus put on an equal foot with China's vassal. Was ever our country more bitterly defiled?

"As for the exchange of the island of Sagalien against the Kurile Islands, it was a deep humiliation for our country. It was called an exchange, but in real truth the island was taken from us. We ceded to Russia an important country, and we received from her some worthless islands. It was an exchange of a treasure against trash. We never wanted to make that exchange, but we were compelled to comply with the demands of Russia. Such was the conduct of the traitorous officers in China in olden times when the *So* dynasty was fast approaching its end; for the sake of inglorious peace they surrendered one province of the empire after another. Such an affront was never yet offered to our nation since it first became a people; now for the first time we have had to bear it, because our officers cause our present Emperor to act contrary to what his ancestors did. This is a great crime and ought assuredly to be punished.

"The Liukiu Islands we have treated with injustice. The inhabitants petitioned our government and with some good reason. But our government, instead of entering into negotiations with China, and coming to a clear understanding with that country whether the islands belong to us or not, took advantage of the inferior strength of the islanders, compelled them to change the form of their government, and wounded their national feelings. Our officers, who are so much afraid of Russia, are exceedingly overbearing towards Liukiu. O, ye traitors, did ye ever hear a story about the wolf? A wolf meets a tiger; directly he drops his tail, hangs his head and walks with timid steps. But let him face a fox or a badger: he swells with wrath, he snarls, his claws tear up the ground; he is every inch a mighty and ferocious beast. Our officers are exactly like the wolf.

"But in foreign relations the great point is not to possess brute force and in virtue of that oppress the weak and cringe to the strong: the great point is to have right and justice on your side. This, however, our officers have still to discover; arrogance and flattery are their only modes of dealing with foreign powers; for the sake of an inglorious peace they bring humiliation on our country and court contempt abroad. It was for this we said that they mismanage our foreign relations and lower the dignity of the country."

No. 315.

Mr. Bingham to Mr. Evarts.

No. 854.] UNITED STATES LEGATION,
Tokei, Japan, September 12, 1878. (Recieved October 18.)

SIR: His Majesty the Emperor of Japan set out upon a progress through the north of the empire on the 30th ultimo. It appears by a notice published in the Tokei Times of the 7th instant that His Majesty is received by formal ceremonies and popular demonstrations which indicate the affection of the people for their sovereign and their loyalty to His Majesty's Government. His Majesty visits the public schools on his route, thereby indicating a regard for the welfare of his people and a

belief that the safety of good government is not endangered by the general education of the governed.

Herewith I inclose the notice from the Tokei Times of His Majesty's progress.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 854.]

THE EMPEROR'S NORTHERN JOURNEY.

[From the Tokei Times of September 7, 1878.]

The northern journey of His Majesty the Emperor is marked by similar formal ceremonies and jubilant popular demonstrations to those which distinguished his progress last year.

His Majesty visits the schools, public offices, and temples on his route, is received with suitable honors, and usually leaves tokens of remembrance behind him. Thus far the Imperial party have had nothing but agreeable, though not especially stirring, experiences to encounter.

No. 316.

Mr. Bingham to Mr. Evarts.

No. 855.] LEGATION OF THE UNITED STATES,
Tokei, Japan, September 12, 1878. (Received October 18.)

SIR: On the 23d ultimo, I regret to say, there was a revolt among the Imperial troops in this capital, in which the second battalion of the artillery of the Imperial Guard was actively engaged, beginning the revolt near midnight by firing signal guns from their barracks and moving from their quarters into the streets, where they met resistance from the Imperial forces, and after some hours of flight and pursuit, and some skirmishing and loss of life, the insurgents surrendered.

It appears that by concert it had been agreed upon between this battalion and the artillery of the Tokei garrison that the latter should, upon the firing of the signal-guns, join in the uprising, but the war department having been secretly advised of the proposed revolt had on that day moved the garrison some few miles from Tokei, and thus prevented its co-operation in the conflict. Much has been said of this affair, and no doubt the reported disaffection among the troops in different parts of the empire has been greatly exaggerated.

I inclose for your information the comments of the Japan Herald upon the affair, together with the various notifications of his excellency the prime minister and the minister of war, &c., in relation to the revolt.

All is quiet now in the capital.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 885.]

REVOLT OF THE IMPERIAL GUARD.

[From the Japan Daily Herald, August 26, 1878.]

The revolt of the artillery of the Imperial Guard, which occurred on Friday night, in Tokei, may, we fear, be followed by other outbreaks, unless preventive or pacifying measures be taken in time by the government. The disaffection, it is certain, is not

confined to the regiment in Tokio, but is common to all the troops of the guard, most of whom are stationed at present in the south. The war-worn remnants of the picked soldiers of the empire are greatly dissatisfied about the real or supposed neglects they have suffered. If the grievance be well founded it is the more undeserved, as the brunt of the hard fighting against Saigo's trained marines and *samurai* fell upon the Imperial Guard, as the thinned ranks of the regiments and great numbers of wounded and crippled men testify. On the other hand, the officials of the government say the rewards were fixed by Arisugawa-no-Miya, the commander-in-chief, are on a fair and even liberal scale, and that even if some reasons for dissatisfaction existed, they were still open to remedy, and that revolt and killing of officers are military crimes for which there is no palliation. It seems probable that the government may have to disband the whole body of the unruly Prætorians, whose claim to regulate their largesses cannot be admitted. The guards, it seems, have been restive for some time, and their insubordination, if not checked, would be a constant danger to the state.

As far as we can learn, the other troops of the garrison and armed police are not disaffected. But there is much and open discontent in the provinces. We do not mean that a revolt or insurrection may be expected even in Tosa, but a concurrence of events, such as trouble with soldiery and the calamity of a short harvest (now, unhappily, imminent) may lead to evil events. Most of the provinces are, in the main, poor, and the burden of taxation now imposed is hard to bear, the late remission notwithstanding. As a rule, the native merchants and traders are poorer now than at any time during the last ten years; the farmer and peasant classes, who in the best of times earn a bare subsistence only, are trembling at the prospect of a failure or partial failure of the rice crop, and have no resources to meet the expected deficit; among the late privileged *shizoku* there is a deep resentment against the sharp practice of the government, and the increasing miseries and hopelessness of the unfortunates may induce some desperate enterprises on the part of these pauperized and suffering men. The members of the government, with few exceptions, are regarded by the country with disfavor and distrust. The *Daijin* are necessary personages to deal with the aristocratic families, and are believed to be, in point of personal honor, without reproach. But with the *sangi*, the adroit, clever, unscrupulous *karos*, who are now turning the empire to profit, the case is different, and the necessity of an organic change of ministry, if the government of the empire is to go on without shock or hinderance, is daily more and more manifest. The personal acts of the ministers are keenly discussed, and rarely with approval, and the more as at least one of the number took office with a reputation for probity not of the highest.

But while we are hopeful that in Japan honest and capable men could be found to administer the affairs of the state, the absence of a training for public life in this country is a serious hinderance to selection. There is reason to fear that provincial feelings are yet too strong, and would in many or most cases bar high officials from asserting a wholly national policy.

As may be readily understood, it is reported that the finances are in a bad way. The year will close with a deficit. The crops will be, at the best, deficient in quality and quantity, and as stores of food are low, an import of rice may be necessary. Deficit and the costs of outbreaks add to the increasing debt, which bears heavily on the empire. The government seems to be blind to this, and many think that there must be a crisis ere long.

All excitement has died away in Tokei, and the affair has almost ceased to be talked of. No thoroughfare is permitted, however, along the road from the Hanzô to the Takébashi gate, just inside the moat in front of the British legation, alongside the Mikado's gardens. The sentries at the different public offices about town have fixed bayonets and cartouch-boxes slung round their shoulder,.

A native correspondent has sent us the following report on the military troubles in Tokei last Friday night:

On the night of the 23d inst., about half past eleven, the second battalion of the artillery of the imperial guard, which is quartered inside the Takebashi gate, set its barracks on fire, fired two signal guns, and then marched out, shouting and yelling. The reason why the signal guns were fired was that there was an understanding about the rising between the guard artillery and the artillery of the Tokei garrison which is quartered at Ichigai; but the war department, having discovered the plot, had ordered the garrison artillery to be reviewed at Oji on that very night. In this manner the garrison artillery was prevented from joining in the mutiny. It is said that it was originally intended to postpone the mutiny until His Majesty's progress north; but it

was objected that most of the ministers would then be absent, and the mutineers would then have no chance of gratifying the grudge which they bore to some of them.

As the infantry did not join the artillery, the latter fired upon the former; this firing was returned and a fight ensued. The war department, however, was not unprepared for the mutiny; it had received information beforehand of what was brewing, and as soon as the disorder broke out, the alarm was given to the public and the police by firing five guns at the imperial palace. Immediately, every gate leading from the *Shiro*, such as Takebashi, Kijibashi, Kandabashi, Kajibashi, &c., was occupied by the guards, whilst the police received arms at the head station, and were sent to protect the imperial palace and the residences of the *Daijin* and the *Sangi*. Some of the mutinous artillerymen had, however, already made their exit; one party went through the Hanzo gate with the intention of laying their grievances before His Majesty; another party marched out through the Takebashi gate, and attacked the residence of the minister of finance, which was riddled with bullets. His excellency Mr. Okuma, however, managed to escape unhurt, but the bullets were flying as far as Nishiki-cho and Ogawamachi, to the great terror of the inhabitants, who fled in all directions, and one poor woman is said to have been killed near Suido-bashi by a stray shot. Major Utsunomiya and Captain Fukasawa of the artillery were killed by their own men while endeavoring to restrain the revolt, and several lieutenants and non-commissioned officers of the loyal troops were killed during the fight.

When the artillerymen, who had proceeded to the imperial palace, arrived before the gate at Akasaka, they drew up in a line and were hailed by the officer on guard, to whom they replied that they came to present a petition. On his asking them why they did not present it through their commander, they answered him that they had killed their major and captain. The officer on guard then called out the troops and ranged them opposite the artillerymen, and when he thought he had a sufficient force under his command, he ordered the artillerymen to lay down their arms on the spot. This was complied with and the artillerymen were all arrested. A similar fate soon overtook those who had attacked the finance minister's residence. They were surrounded on all sides by troops and armed policemen, and they seem to have had no further settled plan, so they surrendered without even trying to resist.

The cause of this revolt is said to be the dissatisfaction felt by that regiment of artillery at what was considered by them the partial distribution of rewards to those who had fought the Satsuma rebels. The fire at the barracks was got under about 1 a.m. on the 24th, and all the rioters were either captured or surrendered themselves. Before daybreak on the 24th quiet was fully restored. But it is said that some weeks ago there was, from similar causes, a mutinous spirit among the infantry, which the officers, however, succeeded in quieting before it came to an outbreak.

We learn from another source as follows: It has for some days past been known that great dissatisfaction prevailed amongst certain of the troops in Tokei, more especially amongst the guards known as the *Konoye-tai*. No outbreak, such as that which had taken place was, however, expected until Friday morning, when the government became aware of the impending trouble—it is said through somebody having overheard the remarks of two soldiers who were conversing in a public place. Measures were at once taken to make head against the affair, without forcing an immediate outbreak. The Tokei garrison artillery, which were known to be parties to the plot, were sent out that same afternoon to Oji to drill, whilst, in the case of another body of troops, the whole of the non-commissioned officers, who were suspected of being in league with the privates, were at once replaced by loyal officers from other corps, and thus a check was put upon the dissatisfied privates. It was understood that it was the intention of the malcontents to murder all the ministers with the exception of Ito and Saigo, whose persons, however, were to be secured. Of course, the members of the government were at once warned, and they were all, it is said, at the time of the outbreak, safely ensconced, though in anxious expectation, within the walls of the palace. When the *Konoye-tai*, who were probably ignorant of their secret having transpired and the precautions taken, gave the signal for the outbreak by killing their commanding officer and setting fire to their barracks, they found that they were alone, and being but few in number, they were soon overpowered by the other troops and police.

That something more than a mere riot was intended is proved by the fact that the first act of the *Konoye-tai* was to fire volleys agaist H. E. Okuma's house, proofs of which are still apparent, the garden fence being pierced with scores of bullet-holes, and some bullets have even entered the house and damaged carpets, furniture, &c. Fortunately, Mr. Okuma, having been, as above stated, informed of the impending danger, had that morning removed his family to a safe place, and nobody was in the house at the time of the outbreak.

(*From the Chôya Shimbun of August* 25, 1878.)

The following notification was issued yesterday, the 24th instant, by the prime minister:

"It is hereby notified that, pending the measures for tracing and determining the affair of the riot of the artillery of the guard within the Také-bashi, no persons are to be permitted to pass through the said gates."

On the same day the following notice was published by the *Chiji* of the Tokei *Fu:*

"It is hereby made known that the signal-guns fired a short while ago from the imperial residence were to give special warning in consequence of there being some soldiery who had proceeded to acts of violence within the barracks of the artillery of the guard. The rioters, however, having been captured or given themselves up, have been completely quelled, and the whole of the inhabitants of the various districts (in the Tokei *Fu*) may be easy in mind."

From an extra published by the Nichi Nichi Shimbun on the 25th August.

The following notification has been issued by the *Daijokwan*:

"To every *Sho, In, Shi,* and Tokei-*fu:*

"The subjoined report from the minister of war on the recent mutiny among the artillery of the imperial guard is hereby brought to public knowledge.

"The 24th August, 1878.

"SANJO SANEYOSHI,
"*Daijo Daijin.*

"'To His Excellency SANJO SANEYOSHI,
"*Daijo Daijin:*

"'The 23d August, 1878.

"'To-night, at eleven o'clock, some artillerymen of the imperial guard mutinied, partially destroyed their barracks, and fired some shots. They were, however, soon overpowered; most of those who had marched out were arrested, and quiet was restored. The cause of this mutiny has not yet been ascertained, but will now be inquired into. The mutineers were all rank and file; not a single non-commissioned officer was implicated. I have hastened to forward this report.

"'YAMAGATA ARITOMO,
"'*Minister of War.*'"

The war department has issued the following:

"NOTIFICATION.

"To every *Fu* and *Ken:*

"It is hereby notified that some artillerymen of the imperial guard rose in mutiny, partially destroyed their barracks, and fired some shots, but they were quickly overpowered, most of those who had marched out were arrested, and quiet was restored.

"YAMAGATA ARITOMO,
"*Minister of War.*

"The 24th August, 1878."

No. 317.

Mr. Bingham to Mr. Evarts.

No. 857.] LEGATION OF THE UNITED STATES,
Tokei, Japan, September 12, 1878. (Received October 18.)

SIR: Referring to my several dispatches in relation to the assassination of his excellency Mr. Okubo, I now inclose a translation from the Nichi Nichi Shimbun, by which it appears that, on the 27th of July last, the parties accused of the assassination were, after trial, brought into court and sentenced, six of them to death, four of them to imprisonment for life, and twelve of them for a term of years. The six chief conspirators who committed the atrocious crime were, on that day, at 11.30 a. m., decapitated.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 857.—Translation.]

BEHEADING OF THE ASSASSINS OF OKUBO.

At about 10 a. m. on the 27th instant, Mr. Okubo's six murderers, Shimada, Cho, Sugimoto, Sugimura, Asai, and Wakita, were brought up before the special court in the *shihosho* from the police prison, and Tamano *hangi* passed sentence upon them. They were then tied with ropes and taken to the Ichigaya prison, where they were beheaded at 11.30 a. m. Among their accomplices, four were condemned to imprisonment for life; three, to ten years'; three, to seven years'; three, to five years'; one to one years, and two to one hundred days' imprisonment; one was pardoned, and four, two of whom were women, were acquitted. Shimada and his five associates recited each some verses of poetry immediately before their execution. The sentences ran as follows:

"To Shimada Itchiro, *shizoku* of Ishikawa *ken:*

"You had arbitrarily decided to remove an officer of the state, who occupied an eminent position; for that purpose you conspired with Cho, Sugimoto, Asai, and others, you associated yourself with Wakita and Sugimura, and then you, Cho, and four others just mentioned, assassinated Okubo, *sangi*, at Kioimachi, Tokio, on the 14th May, 1878. For this crime you are hereby degraded from your rank as *shizoku*, and condemned to death."

(The sentences of the five others are, *mutatis mutandis*, identical).

"To Matsuda Katsuyuki, *shizoku* of Ishikawa *ken:*

"You conspired with Wakita and others to assassinate Okubo, *sangi*, for the purpose of changing the constitution of this empire, and with that object you came to Tokio. You returned to your *ken* to enlist more conspirators, but when you came back again to Tokio, Wakita and others had already perpetrated the murder. Although you were not present at the assassination, your criminal intention was manifest, and you are now degraded from your rank as *shizoku*, and condemned to imprisonment for lifetime."

No. 318.

Mr. Bingham to Mr. Evarts.

No. 858.] LEGATION OF THE UNITED STATES,
Tokei, Japan, September 13, 1878. (Received October 18.)

SIR: Refering further to my dispatch No. 796, in relation to the assassination of his excellency Mr. Okubo, it gives me pleasure to note that on the hundredth day after the death of that faithful minister it pleased the imperial household of His Majesty the Emperor to present to the family of the deceased 30,000 yen, as appears by a notice published in the Nichi Nichi Shimbun, a paper issued in this capital. I inclose a translation of the notice.

According to custom in Japan, the hundredth day after the death of a friend is often observed in memory of the deceased.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 858.]

[Translation from the Nichi Nichi Shimbun, August 31, 1878.]

The 21st instant (August) being the hundredth day since the assassination of the late Udaijin (junior prime minister, posthumous title given to Mr. Okubo), Mr. Okubo, his family were presented with a gift of 30,000 yen from the imperial household department.

No. 319.

Mr. Bingham to Mr. Evarts.

No. 859.] LEGATION OF THE UNITED STATES,
Tokei, Japan, September 13, 1878. (Received October 18.)

SIR: On the 11th instant I received from his excellency Mr. Mori, the vice-minister for foreign affairs, a note in which he informs me that the foreign office has received from the proper authorities a statement that in addition to the arrest of two of the parties who entered the house of Mr. Ap Jones and Mr. Russell, citizens of the United States, and inflicted severe sword wounds upon them (of which I acquainted you in my No. 843), the third party has also been arrested, and is now held, with his two confederates, for trial and punishment. The names of the three criminals, as given by Mr. Mori, are Fujisake Keijiro, Fujisaki Shimei, and Ozawa Kiuzo. The last named has made confession of the crime. There can be no doubt that swift punishment will be inflicted upon these guilty parties.

It affords me pleasure to say that every attention is given by the Japanese officials to Mr. Ap Jones and Mr. Russell, and that they are both rapidly recovering from their wounds.

I have, &c.,

JNO. A. BINGHAM.

No. 320.

Mr. Bingham to Mr. Evarts.

No. 863.] LEGATION OF THE UNITED STATES,
Tokei, Japan, September 16, 1878. (Received October 18.)

SIR: I have the honor to inclose herewith, for your information, the report of the Japanese minister of finance of the estimated revenues and expenditures of His Imperial Japanese Majesty's Government for the fiscal year commencing July 1, 1878, and ending June 30, 1879.

The report shows the present liabilities of the government to be 375,000,000 yen, and proposes to provide for a reduction thereof of 20,000,000 yen per annum and its full payment in twenty-eight years.

The revenues for the current fiscal year are estimated at 53,275,900 yen, and the expenditure thereof at a like amount.

Of the estimated revenue for the year 40,373,935 yen is to be derived from land tax alone, while but 1,070,684 yen is estimated from imposts upon imports for the year.

And this system of raising more than three-fourths of the national revenue by a tax on the lands of the producers of the nation's bread is the necessary result of the existing commercial restrictions imposed by treaties upon this empire and to perpetuate which is the manifest purpose, in my opinion, of some of the European states. It is to the honor of the United States of America that its government, under your just and enlightened action, has declared its readiness to lift from the oppressed people of Japan this burden, too grievous longer to be borne.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 863.]

REPORT OF THE MINISTER OF FINANCE.

[From the Tokio Times, September 14, 1878.]

NOTIFICATION NO. 38.

To Kuwan, In, Sho, Shi, Fu, Ken:

It is hereby notified that the following tables of revenues and expenditures for the year between July of the 11th and June of the 12th of Meiji, inclusive, have been presented by Okuma Shigenobu, minister of finance.

SANJO SANEYOSHI,
Daijo Dai jin.

SEPTEMBER 4TH, 11th year of Meiji.

The tables of the estimated revenues and expenditures for the year between July of the 11th and June of the 12th of Meiji have been prepared. I now respectfully present them to your excellency. I must premise that this statement, when compared with that of the previous year, will show in some respects an increase, and in others a decrease, on the sides both of income and expenditure. The causes of the various differences will be explained in detail in the introduction; but I will here briefly refer to some of the more important of them. The insurrection which occurred in the southwest last year had a considerable effect upon the then future financial condition of the country. The items of repayment of the national debt; annuities for meritorious services; favored allowances to soldiers, and police and other expenditures, have greatly increased. In other branches of the public service extra disbursements have been necessary; but, on the other hand, the ordinary expenses of the Dai jo Kwan and other departments, namely, In, Sho, Shi, and Kioku, have been reduced. Owing to the outlay entailed in the suppression of the rebellion and the consequent debts incurred by the government, the issue of pension bonds to Kuwa-shi-zoku, and loans raised for the assistance of various industries, the national liabilities now amount to more than 375,000,000 yen; and the plan of repayment previously devised cannot be carried into effect. Now I submit my views for the establishment of a new system, whereby I propose to devote the sum of 20,000,000 yen a year to the purpose of liquidating the government indebtedness, which will be cleared off in twenty-eight years from the present time. The amount of the debt being so great, the annual appropriation, covering, I grant, more than one-third of the yearly revenue, cannot be expected to be of trifling amount. And, in order to allow this system to be worked out to its successful termination, we have but to be careful, to practice economy in our expenditures, and to avoid exceeding the sums here calculated upon as available. For, if such excess should be permitted, it is easy to see that the credit of the government with the people would be destroyed, and then the distress which must follow on a great financial calamity would be so great that its results can hardly be predicted. The reason why I, Shigenobu, strenuously insist upon this point here is that I esteem it as most important; and I beg that your excellency also will vouchsafe to accord to it your illustrious consideration.

OKUMA SHIGENOBU,
Minister of Finance.

To his excellency SANJO SANEYOSHI,
Daijo Dai jin.

JUNE 29th, 11th year of Meiji.

No. 321.

Mr. Bingham to Mr. Evarts.

No. 873.] UNITED STATES LEGATION,
Tokei, Japan, October 7, 1878. (Received November 7.)

SIR: On the 31st of July last, his excellency Mr. Terashima, the Japanese minister for foreign affairs, addressed a communication to me (a copy of which is herewith), wherein he informed me of a violation of His Imperial Majesty's railway regulations, on the 24th of March last, by Mr. Frank Gasper, a citizen of the United States; that said offense or trespass was committed within the Hiogo (Kobe) consulate, and that the

offender forcibly and unlawfully entered the railway close of this government on that day, and without having obtained a ticket, leaped through a window into the railway car when the train was moving, and remained therein until the train reached Kioto, a distance of 60 miles, without having paid fare as required by the law of the empire. His excellency also stated in his communication that complaint was duly made to Mr. Benson, in charge of the Kobe consulate, by the agent of the government, Mr. Page, and that Mr. Benson in reply forwarded a letter of apology from Gasper, and added thereto that "As the act complained of was not of an aggravated character," * * * he could see no good reason why Mr. Gasper's apology should not be accepted. Mr. Page replied, giving good reasons why the apology could not be accepted, and therefore requested again that the acting United States consul should entertain the complaint and proceed against Gasper. The minister says the acting consul refused to proceed, and added that he could not "understand how the United States consul can refuse to issue summons against the offender," &c., and therefore requested me to give "instructions to the consul to the end that the case be properly heard," &c. This communication by the minister reached me on the 10th of August, during my sojourn in the mountains, and I immediately addressed a note of that date to his excellency Mr. Terashima and also to Mr. Benson (copies of which are inclosed), in which I acquainted him of the complaint of this government and declared the act of Gasper an inexcusable violation of the railway regulations, and also instructed him to have the agent of the government, Mr. Page, verify the complaint, and to issue process against Gasper and judicially try the same. This Mr. Benson neglected to do, but on the 19th of August acknowledged the receipt of my instruction of the 10th of August, and requested that I "would be good enough to inform him where, in American law, he would find authority for the punishment of a citizen of the United States for such an act as that charged against Gasper," and repeated his request on the 29th of August. These requests not having reached me until the 1st of September, on the 4th ultimo I replied to both of the last-named notes of Mr. Benson, referring him to consular regulation 424, and to sections 4086, 4087, 4088 of United States Revised Statutes, for authority to proceed against Gasper, and suggested to him that the complaint be made in the form of civil action for trespass, and that he should have Mr. Page verify the complaint, as required by the court regulations, informing him that the law implies damage for every unlawful trespass committed with force against property, &c.

On the 6th of September Mr. Benson informed me that Gasper had left Japan by reason of ill health, and on the 21st September he informed me that he had acquainted Mr. Page, the agent, that according to my instructions the civil action could be proceeded with though Mr. Gasper had departed the empire. (See Consular Court Regulations, p. 3, sec. 13.) On the 20th September Mr. Benson again addressed a note to me, in which, to my surprise, he stated that as a civil action in trespass was the only form of action which could be brought in the case, according to my instruction, he would place the matter in my hands, inclosing copies of a correspondence with Mr. Page. Upon the receipt of this dispatch from Mr. Benson, on the 3d instant I addressed to him a dispatch (a copy of which is herewith), requesting him to respectfully inform Mr. Page that our court regulations and laws must govern in all proceedings criminal and civil in the United States consular courts, and also reminding him that in my No. 571, dated May 29, 1878, I had transmitted to him a copy of the railway regulations and had therein instructed him that

they were obligatory upon American citizens in Japan, the same having been promulgated before the commission by Gasper of the alleged trespass or misdemeanor, and in my said dispatch of the 3d instant I also stated that I was not aware that I had given him any instruction to the effect that the civil action in trespass was the only form of action upon which he could judicially proceed against Gasper, but that I had suggested a civil action in the premises because I supposed it would be satisfactory to this government, inasmuch as any damages adjudged therein against Gasper would be payable to the Japanese Government and would also enable the consul to proceed even if Gasper had departed the empire. The chief importance which attaches to this case is that I think it essential that all our consuls in Japan, the consul-general included, should be required in all cases wherein this government complains of violations of law by American citizens to its injury to proceed without delay and to proceed at once under my direction, in accordance with personal instructions, article 18, and consular regulation 43.

I trust that the instructions given by me to Mr. Benson may accord with your judgment and meet your approval, and especially my instruction to him that a forcible and unlawful entry into the close of this government, as charged against and confessed by Gasper, is not only a trespass, for which a civil action will lie, but also a misdemeanor, for which he may be held to answer criminally if found within the jurisdiction of the United States consulate in which the offense was committed, inasmuch as the act charged was committed by force and was also committed in violation of the public law of this empire.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 873.—Translation.]

Mr. Terashima to Mr. Bingham.

FOREIGN OFFICE, TOKIO,
The 31st of the 7th month, the 11th year Meiji.

SIR: I have the honor to inform your excellency that on the 24th of the third month last, as the train was moving from the railway station at Sannomeya, within the jurisdiction of the Hiogo Ken, Mr. Frank Gasper, a citizen of the United States and resident of the port of Kobe, was observed to rush up to the wicket-gate for the entrance of passengers, which was then already shut, and unfasten it by forcibly removing the wooden bar, cross the metals, jump upon the steps of a second-class carriage on the off side, and enter it through one of the windows; and moreover, that he had not obtained a ticket, and only paid the fare when he arrived at Kioto.

This act of Mr. Gasper being an infraction of the regulations relating to the railways of this empire, Mr. Walter F. Page, agent of the railway bureau, brought the matter before the United States consul at Kobe, who in reply forwarded to Mr. Page Mr. Gasper's letter of apology; and also wrote a letter setting forth that such an occurrence on his part should not happen again, and that as the act complained of was not of an aggravated character and as no person or property suffered therefrom he could see no good reason why Mr. Gasper's apology should not be accepted.

The statements of his apology referred to were to the effect that he was not aware that he was violating any railway regulations by entering through one of the windows of a second-class carriage while the train was in motion, but that he was anxious to catch the train as the delay of an hour and a half would have been a serious inconvenience.

He further stated that he regretted that by an act of thoughtlessness he had given the railway authorities cause of complaint, and that he would not be found committing such offense again, and that with this apology he requested withdrawal of the formal complaint made to the United States consul.

Mr. Page again wrote to the United States consul to the following effect: That while expressing his sincere thanks for the trouble which the United States consul had so kindly taken to induce Mr. Gasper to offer an apology for his conduct, he very much regretted to say his instructions would not admit of his accepting the same. There

was a time when such an apology might have been received, but Mr. Gasper having emphatically refused to offer it then, or to admit that he had been guilty of any irregularity whatever, Mr. Page had no authority at the present time to stay proceedings against him, and therefore respectfully begged the consul to be so good as to hear the charge.

To this letter, however, the United States consul only replied by stating that he could see no reason to change the views expressed in his previous communication addressed to Mr. Page, and no further step has been taken by the consul to issue summons against the offender and hear the charge, and therefore the matter has finally been referred to me by the proper authorities.

I beg now to say that I cannot understand how the United States consul can refuse to issue summons against this offender and hear the charges preferred against him, while there is undoubted proof of his having violated the railway regulations, and I therefore request that necessary instructions be given to the United States consul to the end that the case be properly heard and adjudicated without delay.

I avail myself of this occasion to renew to your excellency the assurance of my highest consideration.

TERASHIMA MUNENORI,
His Imperial Japanese Majesty's Minister for Foreign Affairs.

His Excellency JOHN A. BINGHAM,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

[Inclosure 2 in No. 873.]

Mr. Bingham to Mr. Terashima.

UNITED STATES LEGATION,
Tokei, August 10, 1878.

SIR: I am in receipt of your excellency's note of date the 13th ultimo, in relation to the complaint against Mr. Frank Gasper, a citizen of the United States, and have the honor to acquaint your excellency that I have requested Mr. Benson, the acting United States consul, to take the oath of Mr. Page to his complaint, and to issue process against Mr. Gasper, and try the complaint according to law.

I trust that proper and prompt action will be had.

I have the honor to be, sir, your obedient servant,

JNO. A. BINGHAM.

His Excellency TERASHIMA MUNENORI, *&c., &c., &c.*

[Inclosure 3 in No. 873.]

Mr. Bingham to Mr. Benson.

UNITED STATES LEGATION,
Tokei, August 10, 1878.

SIR: I am informed by the foreign office of His Majesty the Emperor of Japan that in March last one Frank Gasper, an American citizen, was guilty of a rude and inexcusable violation of His Majesty's railway regulations at Sanomeya, within the jurisdiction of the Hiogo United States consulate; that due complaint has been made before you in the premises by Mr. Page, the Japanese agent of the railway bureau, and that you have declined to bring Gasper into court to answer for the trespass, transmitting his apology to the effect that he was not aware that he was violating law by entering a car through a window when the train was in motion, and that he would not commit such offense again.

As our treaty obligations and our statute law require that for all offenses committed by citizens of the United States in Japan against Japanese, such offenders shall be tried in the United States consular court, and upon conviction shall be punished in accordance with American law, and as His Majesty's Government insists that process shall be issued against Mr. Gasper, and that he shall be held to answer for the unlawful trespass so committed, I trust that you will have Mr. Page verify his complaint, as required by the consular court regulations, issue process against Mr. Gasper, and judicially try and determine the same.

It is the declared policy of our government to observe all its treaty obligations with Japan, and require a like observance of its treaty obligations by the Japanese Government in all cases of complaint by our citizens.

You will please advise me of the action you may take in the matter upon the receipt of this.

I am, sir, your obedient servant,

JNO. A. BINGHAM.

E. S. BENSON, Esq.,
United States Vice-Consul, Hiogo and Osaka.

[Inclosure 4 in No. 873.]

Mr. Bingham to Mr. Benson.

UNITED STATES LEGATION,
Tokei, Japan, October 3, 1878.

SIR: Your No. 211, of date the 28th ultimo, in relation to the complaint of Mr. Page against Mr. Gasper, is received together with inclosures.

Mr. Page should be respectfully informed by you that our laws and regulations must govern all proceedings, criminal and civil, in the United States consular courts in Japan, and that no action, criminal or civil, can be brought therein until a complaint in writing is therein made and duly affirmed or sworn to by the complaining party.

In my No. 571 I inclosed to you a copy of the railway regulations and instructed you that they were obligatory upon American citizens in Japan. If, as I suppose they do, these regulations prohibit unauthorized persons from opening the railway inclosure and from entering the cars through the windows without a ticket or special authority to do so, the person so offending is guilty of a trespass and a misdemeanor, for which, if an American citizen, he is liable both in a civil and criminal action in our consular courts in Japan under the laws of the United States and our treaties with this government.

The act charged against Gasper was a misdemeanor, as it was an act committed in violation of a public law of this empire, which, as I had already instructed you, was obligatory upon American citizens in Japan.

I note your remark in your No. 211, that a civil action is by my instructions to you the only form of action which you "can judicially act upon," and have to say that I am not aware that I gave you any such instruction, but I did say to you in my Nos. 610, 612, and 625, to proceed against Gasper in a civil action for his unlawful trespass, and that the judgment therein should be according to the aggravation of his offense against the law. I supposed this action would be satisfactory to the Japanese Government, as it would assure to it the money that might be exacted of Gasper, and also enable you, though Gasper had departed from Japan, as you informed me, to proceed on such complaint for trespass by publication of summons as provided in court regulation 13, page 3 of Consular Court Regulations. As you state in your letter to Mr. Page, No. 210, of date September 27, that "Gasper has committed no crime, offense, or misdemeanor, he cannot be tried, convicted, or punished," you are requested to furnish me a copy of article 5 of the railway regulations, and also to state whether such railway regulations do not in that or some other provision thereof forbid and prohibit such acts as were charged against and confessed by Gasper, as you have reported to me.

As I have before advised you, our government intends to respect all its treaty obligations with Japan, and to punish as therein required all offenses committed against Japanese or against Japanese law by Americans in this empire.

I am, sir, your obedient servant,

JNO. A. BINGHAM.

E. S. BENSON, Esq.,
United States Consul, Kobe.

No. 322.

Mr. Van Buren to Mr. Seward.

No. 324.] UNITED STATES CONSULATE-GENERAL,
Kanagawa, Japan, October 9, 1878. (Received November 7.)

SIR: In the year 1875, a correspondence took place between the United States minister in Japan and myself on the subject of the deportation of an American from Japan according to the provisions of Article VII of the treaty between the United States and Japan; which

correspondence, together with a dispatch from Mr. Bingham upon the subject to the Department, was published in the Foreign Relations of that year, Part II.

With Mr. Bingham's dispatch to me he inclosed a copy of Department instructions, No. 193, of date 16th April 1873, in the case of John Rogers convicted of crime, and deported by Consul Shepard, in which the Department approves of the action of the consul.

It seems, however, that explanations were asked by the Department, of Mr. Shepard, as to the authority under which he sent certain other citizens out of the country.

These other citizens, it appears, were discharged destitute seamen who were sent to the United States in accordance with law, and this simple explanation settled the matter.

It will be perceived that Mr. Bingham expresses his opinion that this instruction intended to convey the judgment of the Department "that no authority was given by law to consuls" to deport a convict. I do not so understand the instructions.

The judgment and sentence of the consul in the case of Rogers, referred to, was as follows: "Of the crime charged, the court finds the prisoner guilty, and the sentence is, that he be imprisoned for one year, and that he forfeit his right of residence in Japan."

Concerning this the Department says that the consul did not "transcend his power," and again, that "the judgment and sentence appear to have been authorized by law." This seems to me to be a full and unqualified approval.

I find, also, from the records of this consulate-general that on the 26th of November, 1870, Mr. De Long, then United States minister in Japan, advised Mr. Consul Lyon that he was in receipt of instructions from the Department, that he (the consul) "could not legally render judgments of deportation; that his proper course to pursue in such cases, when the Japanese claim to have a citizen of the United States deported on account of his having been convicted of a felony or twice convicted of misdemeanors, was to notify such person of the demand, and inform him that he will be allowed a certain length of time in which to make his necessary preparations, specifying such length of time that you deem reasonable under the circumstances not to exceed one year, and further informing him that at the expiration of such allotted period, if he shall still remain in this empire, that he will not be accorded any protection by the American authorities here; and of such action on your part at once inform the Japanese authorities and the United States legation."

No copy of this instruction of the Department was apparently ever furnished and is not on file here, but I beg you to observe, if its contents are correctly quoted in Minister De Long's dispatch, as above, it materially differs from that furnished in the case of Rogers first alluded to.

Another similar case has lately arisen within my jurisdiction in which one Thomas Glass, an American citizen, residing in Yokohama, of notoriously bad character, having been frequently complained of, and three times convicted in my court of misdemeanors, was handed over by me to the Japanese authorities "to be dealt with according to Article VII of the treaty of 1860."

This "handing over" consisted in a notification by me to the Japanese ken rei, or governor of this district, of the prisoner's several convictions and his bad character, and of his (the governor's) liberty to deal with him according to the treaty.

In reply, the governor, about twenty days afterwards, informed me

that he had required Glass to leave the country, and requested me to fix the time of his leaving and to make the necessary preparations.

After an interview with Glass on the 1st instant, I fixed the limit of time at the 10th instant, he saying it was more than ample, as he had made arrangements to leave on the 2d instant. He did so leave on the 2d for Shanghai, China, providing for his own passage.

On the same date, the 1st instant, I received a dispatch from Mr. Bingham, stating that he had noticed a report of the case in one of the local newspapers here and desiring me to send him a full history of it.

As my action was judicial, I entertain serious doubts of the authority of Mr. Bingham to demand an explanation from me, but, in order to avoid controversy, I furnished him with a statement *in extenso*.

I now ask for the judgment of the Department as to my action, and its full instructions as to the intent and meaning of so much of the seventh article of the treaty of 1860 between the United States and Japan as treats of the subject-matter referred to.

I desire to be fully instructed as to the exact status of the rights of a citizen "convicted of felony or twice convicted of misdemeanors" as mentioned in the treaty referred to, and who shall have thereupon been required by the Japanese authorities to leave the country.

Between the time when such notice shall have been served upon the convict and that fixed by the consular authorities within which he is to take his departure, what jurisdiction is he subject to, and whose duty is it to enforce the requirement to leave?

I desire also to know, if such convict so notified to leave is not able to pay his passage away, at whose expense shall such passage be made, and to what place or country is he to be sent?

This subject has been the theme of extensive newspaper comments here, and it is hardly necessary to remark that its importance merits the serious attention of the Department.

I am, &c.,

THOS. B. VAN BUREN.

LIBERIA.

No. 323.

Mr. Turner to Mr. Evarts.

No. 288.] LEGATION OF THE UNITED STATES,
Monrovia, January 2, 1878. (Received February 6.)

SIR: I have the honor to inform you that the honorable the House of Representatives of the Republic of Liberia decided by an almost unanimous vote, taken on the 24th day of December, to present to the Senate of Liberia articles of impeachment against His Excellency the President of Liberia. On the 24th day of December the honorable the House of Representatives, through a board of managers, composed of four members of the said House, appeared at the bar of the Senate of Liberia, and, agreeably with certain provisions of the Liberian constitution, prepared six articles of impeachment against His Excellency the President.

The Senate, on the same day, without first resolving itself into a high court of impeachment, with the chief justice of the republic as presiding judge, as the constitution of Liberia provides must be done in such cases,