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ARTICLE III.

JAPANESE TREATY-REVISION: ITS NECESSITY AND OUR RESPONSIBILITY THEREFOR.

BY JAMES KING NEWTON, A. M., PROFESSOR OF MODERN LANGUAGES IN OBERLIN COLLEGE.

IN nearly all papers and lectures and sermons and missionary appeals in regard to China and Japan, these two countries are classed together. This is but natural. We consider China as representative, because she is so much larger and we are, in some respects, so much better acquainted with her. She stands for all the knowledge of eastern Asia, which, during these hundreds of years, we have been gathering, and she is to-day essentially as we first knew her; while Japan, the little island empire by her side, has cut loose from Asiatic traditions and is reaching out after all the West can give her. But she is, comparatively, so small in extent and so little known as to her past and present, that very few, even of those most interested in her rapid development as a Christian nation, understand the injustice involved in classing her with China.

I shall try to show that *Japan stands by herself*, and that *Christian America has obligations to Japan* which she has to no other nation, east or west,—obligations such as rest upon no other Christian nation, and which, consequently, will never be met unless our country meets them, and discharges them as her obligation to the Ruler of nations.

The argument and proof of this must rest upon history, commercial and treaty relations, and such national businesses. Hence, this discussion may seem to have more to do with politics and social conditions in Japan than with religion. But it has a most vital connection with the reception by the Japanese of the message we are

sending them by our missionaries. For it is high time that we should understand that "*the heathen*" in Japan are saying to each other: By their works we shall know of this Christianity, which these foreigners proclaim.

By a rapid review of the history of Japan, I expect to prove that such changes have been made in her society and government and laws and institutions as warrant an immediate and radical change in our diplomatic relations with her.

Commodore Perry, as an agent of the United States government, "opened Japan," as the phrase is, in 1853. That is, he gained the partial consent of the government of the Shogun (or Tycoon) to take the matter under consideration and begin to prepare for a treaty. But really it was not till 1858 that Townsend Harris, our first official representative at the court of the Shogun, arranged our first commercial treaty with Japan. Precisely what our government intended to accomplish by the imposing deed of opening Japan, it would be difficult to say. What it did accomplish we shall see further on. But first, let us take a look at Japan as she was when foreigners forced her gates.

The origin of her people, like that of all other peoples, is lost in tradition. It is easy to establish the claim that there was a people long before the first emperor. But the first emperor lived about 667 B.C.,—in the years between Lycurgus and Solon of your Grecian history; six hundred years before your Caesar, your England, and your Germany; and a thousand years before your France. This line of rulers has continued unbroken to the present emperor—the one hundred and twenty-fourth in direct line. The one hundred and twenty-third emperor was on the throne when Perry asked and gained admittance in 1853, and the thirteenth Shogun was reigning. This apparently contradictory statement needs a word of explanation.

From the remotest time the emperor had been regarded not only as a ruler, but as a divine ruler, a priest, the high-priest of the faith of Shintoism. The central doctrine of Shintoism is, that the emperor is divine. About six hundred years ago the Shogun, who was the highest military officer of the Emperor, or Mikado, usurped the greater part of the government of the State, relating to economic matters. The usurpation grew, until the Mikado was left to the seclusion and the spiritual offices of the priest. The struggles of the various aspirants among the daimios, or governors of provinces, to the office of Shogun, often plunged the country into bitter and destructive wars. But about two hundred and sixty years ago the strong house of Tokugawa gained and kept the place of power, and ruled Japan with such a dexterous and heavy hand as to compel obedience and peace. The Mikado, although still held in great reverence and mysterious awe, had become practically a cipher in all political matters. His seclusion had become so perfect that, for hundreds of years, the person of the Mikado had never been seen by the Japanese people. In short, at that time, so far as we are yet able to unravel it, everything that we count Asiatic, and upside down, and wrong end foremost, from the ruling of an empire to the writing of a book and the moving of a plane, was true of Japan. But when the Western world inferred, as it did with emphasis, that because they began at the back end of a book and at the right side of the page and read *down*, there could be neither sense nor discipline in it; and because they planed a board by drawing the plane towards them, they had no practical ability,—there was a prodigious mistake made. For, somehow, in the midst of it all, by means of it all, or in spite of it all, there had been trained a people of great mental alertness and stamina; a people whose national virtues of patriotism, and fidelity, and generosity, when put in unexpected juxtaposition with Western civilization, were to make a spectacle for a world!

It was with this usurped government of Japan, so little known and so incomprehensible on first acquaintance, that Mr. Harris made our first commercial treaty in 1858, upon terms which, in general, were reasonable, in an experimental treaty, and not disadvantageous to the unsophisticated people with whom he was dealing, and we announced to the world that we had opened the hermit nation of the East to the civilizing influences of diplomatic and commercial intercourse with the Christian nations of the West.

Mr. Harris had spent two years of hard work with the government of the Shogun to get all this arranged,—to “open Japan.” But only a few months after its consummation Lord Elgin, England’s Minister Plenipotentiary, appeared on the scene, and insisted on making a treaty in behalf of England. Everything that Mr. Harris could do to further Lord Elgin’s plans, he did. He gave him a copy of the American treaty, taught him the unfamiliar methods of business in this new field, even lent him his own Dutch interpreter, without whose aid Lord Elgin could have done nothing. All this was demanded by official courtesy, and eventually Mr. Harris received from England the conventional, unfailing, inestimable, golden, royal snuff-box! But little comfort did he ever get out of it, for, long before he got it, he saw and grieved over— for he was an honest man—the bitter wrong and ruin which he, as a tool of the English government, had inflicted on Japan.

The treaty which Lord Elgin drew up was identical with Mr. Harris’s with two small, insidiously ruinous exceptions, viz., the “*most favored nation clause*,” and the *reduction of imposts on English manufactured cotton and woollen goods*. This reduction was effected by simply including cotton and woollen goods under Class II., instead of Class IV. Mr. Harris had fixed the duty on such goods coming from the United States at twenty per cent *ad valorem*. But by the crafty change of these goods

from one class to another in the British treaty, Lord Elgin secured their admission at five per cent. This first concession, obtained by an English Minister in this *diplomatic* way, from a people entirely ignorant of the ways of international intercourse, is now referred to as "a right acquired by treaty," and has been repeatedly used since then to break down all obstacles to the untaxed admission into Japan of all goods from all countries; until now, the average rate of customs duties upon all goods, *including even wines, liquors, and cigars*, is but little more than three per cent—not enough to pay the cost of collecting. This has been brought about through England's interpretation of the so-called most favored nation clause in her treaty with Japan. This clause is as follows:—

"It is hereby expressly stipulated that the British government and its subjects shall be allowed free and equal participation in all privileges, immunities, and advantages that may have been, or may be hereafter granted by his majesty, the Tycoon (Shogun) of Japan, to the government or subjects of any other nation."

This clause was copied by all the other European nations.

It is claimed under this clause that, as it is not expressly conditional, any concession granted in favor of any government by Japan, in return for any privileges however valuable, may be claimed at once by all the other powers, without yielding to Japan the advantages in return for which the concession was first made. This operation of the clause prevents Japan from exercising the right enjoyed by every other independent nation—that of making her own treaties. For, she can grant no privilege to any one nation in return for other advantages, without being compelled to yield the same privilege to all the other treaty powers without any compensating good in return. The injustice of this interpretation is clearly shown by the fact that England has since made treaties with various European powers, in which an identical most favored nation clause was inserted, but she has not dared to place such a construction upon it as she now puts upon this clause in her treaty with Japan.

After this treaty with England had been signed Mr. Harris told the Japanese government that five per cent on cotton and woollen goods was too little; and that the most favored nation clause, because it was not reciprocal, was dangerous. But the thing was done, and could not be undone *because the consent of both parties could not be obtained!*

This being all alert to help England, and all too late to help Japan with advice in making her first treaty with England, was but a small mistake, however, on the part of Mr. Harris, when compared with the careless wording of our own treaty, which was found—again too late—not to express the intention of its framer, nor to fulfill his promises to the Japanese government. And England, and all the other European powers, copied our treaty.

In drawing up this treaty, the plain intention of Mr. Harris was to make it obligatory upon both parties to form a new treaty in fourteen years or so; by which time, he told the Japanese, they would have experience in treaties, and would know, and be able to tell, what they wanted. But the wording of the treaty not only fails to make a new treaty obligatory, but in reality makes the first interminable. It provides for a revision whenever the parties concerned can agree upon it!

If the terms of the treaties between the Western powers and Japan had been mutually beneficial, or mutually hurtful, it would doubtless have been possible, long before this, to make a partial, or thorough, reconstruction of them. But it is easy to see that, while the treaty is greatly to the advantage of one party, and to the disadvantage of the other, it is very difficult to bring the two parties to agree upon a revision; especially when the party which has the incomparable advantage is the stronger.

The working of the treaties has proved most disastrous to Japan, and proportionately favorable to the Western powers; exceptionally so to England as she has the largest

trade connections and has constantly demanded a reduction of customs duties in her favor. Hence, naturally, England has always met the proposals of Japan for revision either with evasion or with counter-proposals so unbearable as to destroy all hope of a fairer adjustment.

Mr. Harris stated in letters more than once, what was in his mind when he drew up the treaty: that there was no intention to exercise control over the tariff for more than a few years; that he would not have designated the rates of custom duties at first, but for the inability of the Japanese officials to arrange that part of the business. He believed thoroughly in the necessity of an early revision of the treaty, and it does not seem to have occurred to him that his country, or any other civilized—not to say Christian—country, would resist a call for such revision. Yet for a treaty-maker, this was an unpardonable blunder. If he had taken the precaution to insure the absolute expiration of the treaty and its appendages at some definite time, all would have resulted according to his honest intention, and the ends of justice would have been subserved. But this is just what he failed to do; and all the the treaty-makers followed him and adopted the phraseology of our treaty. And each nation has persisted in abiding by the letter of the treaty. *Therefore, all the treaties are held to be interminable, by all these interested nations, though such a claim is utterly without precedent.* Some of the powers may not claim their treaty interminable in fact, but they make it so in effect, by meeting every proposal for a revision, from Japan, with a crafty counter-proposal which would be worse than the original treaty.

Let me cite a few figures to show England's interest in keeping things as they are.

England sends to Japan about \$20,000,000 worth of goods yearly, nearly twice as much as is sent from all other countries combined, the United States sending only about \$3,000,000 worth. The customs revenue collected by Japan on this \$20,000,000 worth of goods from England amounts to considerably less than \$1,000,000.

But it may be said that England stands for untrammelled commercial intercourse with the world; if this principle works incidental injury to Japan, England should not be held responsible for it.

It will surely be sufficient answer to this, if I am able to show that England claims untrammelled commercial intercourse with all other nations, but refuses to return a *quid pro quo*. But I will give a better answer. I will show that *England collects a larger revenue from her imports from Japan than Japan collects from her entire customs revenue*. Nay, more. I shall be able to show that *the duty laid by England on a single Japanese product, is greater than all the customs duties imposed by Japan taken together!*

1. And first,

England collects a duty on Japanese tobacco of	\$2,600,000
And a duty on Japanese tea of	60,000
	<hr/>
Making a total of	\$2,660,000
Which, when compared with the duties laid by Japan on	
English imports, equalling	\$960,000
	<hr/>
Leaves a balance in the English treasury of	\$1,700,000

And this is Japanese money, levied and collected by England. Does not the claim of England to unrestricted commercial intercourse with all the world seem rather preposterous, when set over against this fact?

2. Again, to show that the receipts of England on Japanese products are larger than the amounts gathered in Japan from all foreign goods, and from duties on exports as well, compare the total English duty on

Japanese tobacco and tea, equalling	\$2,660,000
With total Japanese import duties, equalling \$1,379,824	
And total export duties equalling	939,564
	<hr/>
Making a total customs revenue of	2,319,388
And the excess of English duties on Japanese goods,	
over the total Japanese duties is	\$340,612

3. Again, to show that England collects more revenue from a single Japanese product than Japan realizes from all her customs duties put together, compare

The English duty on Japanese tobacco, equalling	\$2,600,000
With the total customs revenues of Japan, equalling	2,319,388

And the balance in favor of England and against Japan is \$280,612.

Now Japan—both people and government—has been pondering over these facts ever since 1872, when the treaties should have been revised. She has noticed that certain principles of right and justice which the Treaty Powers have been pressing upon her attention as worthy of her veneration and practice, are not practiced nor applied in their own treatment of her or of each other.

She has noticed that England is regularly deriving more than twenty-five per cent of her revenue from customs duties, meanwhile refusing to permit Japan to receive even four per cent of her revenue from that source. She observes England collecting an average in customs duties of more than six per cent upon her entire imports which is nearly double the highest rate levied by Japan. She remembers that England levied between the years 1869—1878 an average rate of customs duties upon her entire trade with Japan, of eleven and eight-tenths per cent, while Japan was allowed to realize, *from the very same trade*, only three and four-tenths per cent!

The average rate of customs duties in the United States is nearly thirty per cent, while the revenue collected from customs is over fifty per cent of the entire revenue. Compare this with Japan where the rate is, at most, three and nine-tenths per cent, and the customs furnish only twenty per cent of the entire revenue!

In England one-half of the cost of the government is paid by customs; and in every country with a coast they contribute a most important part. In Japan, which is at coast, they contribute only one-seventeenth of the cost of the government, and only about one-thirtieth of the total national expenditure.

Before the coming of foreigners Japan manufactured her own cotton and linen fabrics, ample in quantity and excellent in quality. England now sells her \$4,000,000

worth of raw cotton and \$3,000,000 worth of manufactured cotton, yearly, and most of the native product has been driven from the field. The domestic producer cannot compete with the foreign merchant, backed by his capital and assisted by his government in overriding the Japanese tariff as he pleases. And this brings us to a particular clause of our treaty with Japan which needs to be specially considered.

I refer to the clause involving that "fiction of law" called extra-territorial jurisdiction. This clause provides that in all ports and places, restricted in number, which are open to foreigners, "offences shall be tried in the offender's court and according to the law of his country; and the courts of each nation [i. e. the consular and the Japanese courts] are open to creditors belonging to the other nationality." This means that an American in Japan is to be governed by the laws of his own country, an Englishman by the laws of England, etc. While this was undoubtedly right at first, and sounds very reasonable and innocent to us now, in dealing with an Oriental nation, yet we cannot but see, if we are honest as well as intelligent, that its practical workings are very disastrous as well as humiliating to Japan; as much so, as it would be humiliating and disastrous to you, if you should find, in your dealings with your Chinese laundry-man, that he was subject, not to the laws which protect and defend you, but to those of distant China, which you know nothing about!

The treaties do not expressly stipulate that, in every open port, each treaty power shall establish a Consular Court to which the injured Japanese may appeal for justice. And where no court is provided, as is often the case, there is a denial of justice, and a premium is offered to crime.

Mr. Harris, before he died, said of this clause, in a letter to Mr. E. H. House :—

“The provision of the treaty giving the right of extritoriality to all Americans in Japan was against my conscience. In a conversation with Governor Marcy, the secretary of state, he said that it would be impossible to have a treaty with any Oriental nation unless it contained that provision. I fear I shall not live to see this unjust provision struck out of our treaties, but I fondly hope that you may see it fully abrogated.”

Mr. Harris did not live to see it abrogated, but he died before the present state of things had resulted from the operation of this clause. Said Mr. Fukuzawa, editor of the Tokio “Times,” in an article published in the New York “Independent” two years ago last summer:—

“At present there are in Yokohama eighteen codes of law being administered, besides that of our own country. Should eighteen persons, each belonging to a different nationality, commit the same crime in this city of Japan, and be arrested, some of them might be hanged, some fined, some imprisoned, some might perhaps be discharged; and the length of imprisonment and amount of fine might vary with different persons. In short, there are eighteen different ways of treating eighteen different criminals guilty of the same crime!”

And such is the state of affairs where each nation in treaty relations with Japan, has made provision for the administering of justice. One does not need to dilate upon the social disaster and confusion necessarily resulting from this condition of things. And what is true of Yokohama, in this respect, is true of every port and place which the treaties have opened to foreigners. *Therefore*, extritoriality protects and fosters crime, both directly and indirectly; for, such confusion and inequality of law has the effect in society of no law at all.

Again, foreigners claim that the extritoriality clause exempts them from all taxation, either of property or of business. They claim the right to sell fish, groceries, and tobacco, and not pay for a license to sell, as every Japa-

nese must; that they may manufacture tobacco, *saké*, and opium, and not only pay no tax to the government, but may break with impunity the laws of Japan and demoralize her people. For, the manufacture, and use also, of opium is forbidden by the law of Japan.

I think I have shown in the discussion thus far, that:—

1. The treaties which the Western powers made and forced upon Japan in 1858–60, put the control of her customs duties entirely into the hands of the Western powers, and these duties are arranged so as to pay little or nothing above the cost of collecting.

2. Citizens of any of the Western powers may live in her dominions, grow rich from her advantages, be protected by her laws; while at the same time they disobey the laws which protect them, refuse to pay her taxes and demoralize her people.

Let us turn back now and see what Japan has been doing in the years since these treaties were made.

The present Emperor was just one year old when Commodore Perry landed in Japan. His father, the one hundred and twenty-third Emperor, had been on the throne about twenty years. The thirteenth Shogun was wielding the imperial power. But the Shogunate had long been on the wane and at last it fell, suddenly and singularly. For many years there had been a conviction growing up in the minds of the learned men and patriots of the samurai class, that the government of the Shogun fostered oppression and local dissensions for its own gain and to the injury of all the best interests of Japan. So great a change as the opening of the country to foreign trade naturally produced great commotion and discussion. A strong party arose which opposed, with great earnestness, every movement in that direction. And when, at last, in 1866, the Shogun was forced, by the strenuous urging of the foreign representatives, to consent that the port of Kobe should be opened on the first of January, 1868, there was an uprising of all classes, because the

concession had not been discussed by the proper authorities, and had not received the sanction of the Mikado. It was considered by all as a monstrous usurpation of power on the part of the Shogun, and as a cowardly and hasty act, hurtful to the national honor. Previous wrongs and blunders of the Shogunate were remembered and brought up against it, and the opposition grew so strong that the Shogun resigned his hereditary office in 1868, and the Mikado immediately accepted it. In the same year the Mikado died, and the present emperor, at the age of fifteen, began his rightful reign. At sixteen he was crowned, and his first official act was to grant an audience to the representatives of the foreign powers and confirm the treaties. This shows that the point made against the Shogun was, for the most part, a pretext for doing away with that power and inducting the Mikado into the full control of his empire.

For the Mikado to grant an audience to foreigners, was an absolutely new thing under the sun. For hundreds of years the Japanese had never seen their emperor, not to speak of the rest of the world. Natives and foreigners alike did not seem to know whether to doubt their own senses or the saneness of the Mikado. But his second step, which was the enactment of official measures that placed upon a firm, temporal foundation, the unsubstantial, spiritual power of the emperor, assured them all that the Mikado had such a method in his madness that they would need all their senses to adjust themselves to the swift on-coming of a new order of things.

Then came the overthrow, or rather the surrender, of feudalism. On the fifth of March, 1869, the leading daimios, the hereditary governors of provinces, yielded up, voluntarily, their immemorial rights into the hands of the Mikado. In giving up their rights and privileges as rulers of large provinces, they solemnly declared in an address their sole object to be, to perpetuate the centralization of power in the imperial government, and thereby enable

Japan to take her place among the civilized nations of the world. These sentiments, and deeds, were welcomed with such enthusiasm that in a few months all the little sub-kingdoms of provinces melted, voluntarily and peacefully, into the all-embracing, yet all-extinguishing, unit. Not so did feudalism die in our western civilizations. And now, in Japan, as then in Europe, the overthrow of feudalism has brought about the larger liberty of the individual, and the ability to hold property in land. The Imperial Council, in assuming control of the provinces formerly ruled over by the daimios and lords of various degrees, divided up the land among the farmers, and now each farmer owns his own tea garden, his mulberry trees, or his rice swamp.

After inaugurating this new era of things, the Mikado moved up into the center of his country to his new capital of Tokio,—the former Yeddo of the Tokugawa Shogunate,—and began the revision, codification and publication of the laws of his regenerated empire. Hitherto there had been little written law. The arbitrary will of the Mikado and of the Shogun, of the daimio and of the lord, was the most that the people had ever known of law. But now these new codes of law were published all abroad through the land. The Napoleonic code was taken as the pattern of this first code of the new empire, but it has, several times since, been modified after the pattern of English and American laws, and according to the needs of the Japanese people.

Railways have been built; steamship lines established; lighthouses constructed all along the coasts; telegraph lines laid on sea and land. A regular army and navy have been organized, modeled after those of England and Germany. Able young men have been sent by hundreds to foreign countries to study agriculture, law, science, political economy, and theology, and regular legations have been established in England, France, Italy, Russia, Austria, China, and the United States, with consulates in most of the principal sea-ports of the world. Although schools

are not to be counted as new things in Japan, yet schools after the American pattern are; and they have been established in every village of the empire. We read that, about 800 (of our era,) the Mikado built a house for the education of boys, and that, in the year 1000, there were one thousand boys at school. Then after a long dark age there was a great revival of learning about the time of our own renaissance, and many schools of various kinds were established, yet they were very different from the common schools, private schools and colleges which now, according to the report for 1881, of the Japanese commissioner of education, have in training 3,091,717 pupils in 30,656 schools.

In 1869 the publication of newspapers was sanctioned and dailies, weeklies, and monthlies sprang up in a night all over the empire. The avidity of the people for news is indicated by the fact that, in the year 1880, the circulation of all periodicals published in Japan reached a total number of 56,654,751 copies. The number of books published during the same year was 2,952 volumes, which includes 638 volumes of original work by native authors.

In 1873 the Gregorian calendar was adopted together with the establishment of Sunday as a day of rest.

In 1875 the Mikado constituted a sort of council by calling men from all parts of the empire to assist him in the different departments of the government.

In 1878 he authorized and inaugurated provincial assemblies which should have charge of local taxation and some other matters; but the chief object for which they were instituted was to educate the people for the great change, whose coming he announced in 1881.

In this latter year the Mikado promulgated a decree for the establishment of a constitutional government in 1890! And he charged his faithful subjects to make, in the meantime, all necessary preparation therefor. It is not yet known exactly what form the government will take, but it is understood that it will be like that of Eng-

land : a house of lords, old and new; and a lower house, to be elected, on some qualification, by the people. The Mikado has evidently been preparing an hereditary house of lords by granting patents of nobility to quite a number of persons as a reward for signal faithfulness in the civil and military service, and also by his decree, issued in June, 1884, re-establishing the old nobility. This will ensure that conservatism in her parliament which Japan will need to offset the radicalism of a house wholly elected by the people. And the one hundred and twenty-fourth emperor of a dynasty that has ruled for more than 2,500 years will be at the head!

Young Japan is going home from Europe and America about 1890. I know several young men who expect to be on the ground and have something to say about that first congress.

And now at last there has come another seemingly voluntary, yet startling, abdicating of power on the part of the Mikado. I refer to his relinquishment of the office of high-priest of Shintoism; thus virtually severing the connection of Church and State by his own decree! And this involves the laying aside, before his people (to many of whom it must mean everything), of the last vestige of heavenly mystery and sacredness, and stepping down on the earth, as only a man, to do a man's work among men and rulers of men.

But now, how does Japan get on in trying to educate herself thus in Western civilization under all those burdens which we have seen Western Civilization putting upon her? How is she coming out financially?

She is on the uttermost verge of ruin! So say her patriots to each other with white faces; so say all intelligent, honest foreigners who have looked into the matter.

Like England herself, more even than England, Japan must depend upon commerce. She is "an island empire" not only: she is *an empire of islands*. And England, by controlling the imports of Japan, has not only caused her

foreign commerce to cost more than it pays, but has also turned out of its natural channels, and embarrassed, all her coast trade and much of her internal trade.

For the same reasons, and by the same methods as before shown, all her manufactures, except those of silk and lacquer work, are overborne and crushed. Consequently the taxes to support the government must fall almost entirely on the farmers; and that means silk-raisers as well as rice-raisers. Even the expense of building and maintaining light-houses, to which she was forced by England for the protection of British commerce, falls upon the land, for England persists in refusing to pay "light and tonnage dues" to Japan because it is not nominated in the bond, although she herself collects from the ships of other nations "light-dues" sufficient to maintain her own expensive system of lights, and to pay a good interest on the investment.

During the last few years \$42,000,000 out of \$55,000,000 of national expenditure have been raised by a land-tax. No land in any country can long bear such a burden. History tells us that the *taille*, or tax on landed property, was the occasion of such misery in France that it eventually became one of the chief causes of the revolution. Yet, the oppressive taxes in Japan are not to feed the extravagance and high-living of the court and pay the high salaries of government officials, as was the case in France. All parties, enemies as well as friends, concur in the expressed opinion that the expenditures of the Japanese government have been most carefully and economically conducted. But in spite of everything, every year since the reformation in 1868, expenses have been more than income, and of course every year the case is growing more desperate. Paper money, made a legal tender in 1873, (which seemed the only thing to do at the time,) has had a fluctuating value and been a doubtful success; and it has made business in every department even more unstable, so that failures are becoming more and more frequent.

"There are in Tokio to-day over 150,000 men who pull the *jinrikisha*, the lowest labor there is; and this is but a small part of the immense number in Japan who are compelled by poverty to give themselves up to this most miserable fortune. If matters go on at this rate ninety-nine out of every hundred will soon be reduced to that mental and physical condition where liberty is nothing, and the new congress is nothing, and all is nothing for men." So says a young Japanese.

Add to this the almost universal and most dreadful scourge of cholera, brought in by a German ship whose captain, backed by the German Minister, snapped his fingers at the quarantine regulations of Yokohama. Add to this, the alternate drought and deluge which, during the last summer and repeatedly for two or three years, have devastated the fairest part of the empire. Add all these things together (and there are others I cannot stop to name) and you will see that the poverty and misery in Japan must be more even than a country could bear whose industries were more firmly established, whose agriculture was more varied, and whose finances were within her own control; and you will not wonder that discontent and reaction are beginning to manifest themselves in such forms and in such force as seriously to alarm and fetter the government and paralyze the plans of the patriots.

But, can she not go back? Cannot Japan shut up her gates again? As well might she attempt to push the *Kuro-Shiwo* (Gulf-stream) back into the China Sea. There is absolutely no hope for her but in her commerce; no relief is possible except through her ability to control her own customs duties, and to manage, *according to her own necessities*, her coast and internal trade. *In that is her only hope.* And we wonder she does not despair as she feels the constrictor grip that has already fastened upon every department of her trade, creeping from the sea up the veins and arteries to her very heart.

Let us now review this necessarily condensed and fragmentary bit of history and sum up the case as it stands to-day between us and Japan, under three heads:—

1. Customs duties.

2. The protection of life, liberty, and the pursuit of happiness.

3. The testimony of missionaries.

1. As to customs duties:

(1) We opened Japan; that is, we forced her, against her own inclination and interest, and at the expense of great commotion and some civil war, to open her gates to foreigners and foreign trade.

(2) We arranged and drafted the first treaty and helped England to arrange hers, and allowed her to put into it a clause which made the rate of customs duties she should pay utterly ruinous to the interests of Japan.

(3) We worded our treaty so as to make it practically interminable and gave it to the world to copy! So that the treaty, which we told Japan was but a tentative and transient affair, and which, even as such, went against the conscience of the framers of it, has become one which Japan can never abrogate without risking a war with the strongest nation of Europe, unless we help her with our moral support. We helped China in this way, in 1880, by concluding a treaty with her prohibiting to our citizens the importation of opium into China; and thereby she has, since that time, been enabled to make treaties containing the same provision with Russia and Brazil.

Expressions of intense indignation, by persons in England and America, have not been lacking, both in print and from the platform, in regard to the treatment which Japan is receiving at the hands of the Christian nations of the world. But somehow the remonstrances which have been made, have not attracted the attention of the public, nor gotten hold of the public conscience; possibly because they have had little or no official character, though often weighted with high personal authority.

General Grant, when he was in Japan, was outspoken in condemnation of the acts of certain diplomatic agents, and when the German ship broke through the cholera quarantine at Yokohama, he denounced the act with emphasis and declared that Japan would have been justified before the world, had she sunk the ship. Cary, Lanman, House, Eby, and others, have endeavored, again and again, to rouse attention to the subject, but thus far in vain; the people have only glanced at it a moment, the government has sent regrets and held out fair promises, and then, at the last moment, slipped out by a subterfuge.

Now, under these circumstances, what responsibilities have we as a Christian nation?

We made the first treaty with Japan. We helped England make hers. We have stood by and seen these treaties work out these disastrous results, and have pocketed (without protest, except in one ever memorable instance) our pitiful share of the proceeds.

As we took the initiative in making the treaties *wrong*, does it not devolve upon us to take a somewhat emphatic initiative in making them *right*? The crisis of affairs in Japan is reached and the crisis of our duty is before us.

Japan has said for years that, to the country which relinquishes the control of her customs duties and gives up the claim of extraterritorial rights in Japan, she will open her whole domain. For, Japan has had from the first this one reserve for self-defense: only a few ports and places are legally open to foreigners, and she will open no others till these treaties are made right; hence, the very treaties, which opened Japan to the "civilizing influences" of traffic and greed, now bar the progress of Christianity in that country. Says Mr. Fukuzawa, at the end of a long argument in the *New York Independent*:—

"If you Americans and Europeans will pay some attention to what we have said, and will consent to give up your extraterritorial rights in our land, nothing in the world could be more satisfactory, or more delightful to our peo-

ple. And finally, we must tell you this one thing: If you did not bring with you the ominous privilege of extritorial rights, we, the Japanese, would be very glad to open our whole country to you and give you a cordial welcome."

But Japan cannot grant this privilege to the United States in return for any immunities or advantages whatever, because all the other treaty powers, according to England's interpretation of the most favored nation clause, will claim the same privilege without yielding any such consideration in return. There remains to us, therefore, only one of two great things to do: either to make a just and honorable treaty with Japan, *neither asking nor accepting* any concession of privilege which the other powers could claim under the most favored nation clause; or to proclaim to the other treaty powers that we desire to enter upon the enjoyment of the privileges which Japan offers us, and which we are prohibited from enjoying till the treaty powers will unite with us in relinquishing all claims of extra-territorial jurisdiction in Japan. So simple, so open is the way of our national duty. By taking either of these courses we should justify ourselves with Japan and influence the world in her favor. The case is so plain that the government must consider a more radical revision and readjustment of our treaty relations with Japan than has yet been attempted: for, (1) the treaty is too flagrantly wrong; (2) we are too clearly and ludicrously the cat's-paw of England; (3) there is too much money in it; and (4) Christianity is being rejected by the quick-witted Japanese, because, they say: "The Christian nations do not work righteousness." They are saying to each other in high places of power: "These Christian nations do not act upon the rule of their religion which they preach to us: 'Do unto others as ye would that they should do unto you.' It is a sham and a snare, and we will have none of it." *Therefore*, the treaties, as to customs duties, should be changed *to-day*. So much ought to be clear to every honest heart.

2. But how about the protection of life, liberty, and the pursuit of happiness, which Americans in Japan would receive from her laws if exterritorial rights were given up?

As already remarked above, the new code of Japan was first drafted on the model of the Napoleonic code. Whatever else the Napoleonic code means, it means protection to the individual. The Japanese laws have since been modified in many respects according to English and American jurisprudence. From a compend of the Japanese laws lately received, I have gathered the following facts:—

(1) As to protection of property: (a) The individual has full right to buy and sell. Inheritance is secured. One may protect his own property by force, and if he cannot the government assists him. Like an Englishman, his house is his castle. No one can demand admittance except with a search-warrant, and a householder may resist molestation by firearms and sword. (b) Taxes on property are levied in provincial assemblies by delegates of the people. The government has some supervision.

(2) As to protection of person: (a) All men are equal before the law. A *jinrikisha* man can sue a daimio. The family of the Mikado is alone excepted. One has perfect personal liberty to do what he pleases, if he does not infringe on the liberty of others. The police cannot arrest a man without a written warrant. Injury to person must be compensated; slander must be paid for. (b) There are higher and lower courts. One may appeal from the lower to the higher, or may ask for a change of judge, if the latter be an enemy or the friend of an enemy, or if he be prejudiced in any way against either party.

(3) There is perfect religious liberty. A man may profess and practice whatever religion he pleases. The state church was abolished two years ago, and all the details for legalizing marriages and solemnizing burials have since been arranged.

3. And now finally, let us consider the testimony of missionaries.

In the *Japan Mail*, published at Yokohama, of May 17, 1884, appeared a memorandum signed by every protestant missionary, American and English, in Southern Japan. This is the memorandum, dated Osaka, April 28, 1884:—

“The Osaka and Kobe Missionary Association, having discussed the question of extra-territoriality in connection with the proposed revision of the treaties, the undersigned desire to place on record a formal expression of their opinion, that the time has arrived when substantial modifications should be made in those provisions of the existing treaties which give exceptional privileges to the subjects and citizens of the treaty powers, and which are considered by the Japanese government and people to be an infringement of their just and sovereign rights as an independent nation. The circumstances under which Japan was brought into treaty relations with Western powers were clearly exceptional, and, in the interests of both Japanese and foreigners alike, exceptional arrangements were undoubtedly necessary. But the lapse of twenty-five years has placed us in such a widely different position, as, in our opinion, to require that at least some of the exceptional provisions of the existing treaties should be modified, and that concessions should be made to any just and reasonable demand of the Japanese government in this direction. The interests created under the existing treaties certainly demand the most careful consideration of those to whom they are intrusted; but, in our opinion, the difficulty of safeguarding those interests ought not to stand in the way of a speedy revision of the treaties, such as shall be both just in principle, and a generous acknowledgement, on the part of foreign nations, of the real progress Japan has made since the present treaties were framed.”

The *Missionary Herald*, in calling attention to the above memorandum, used the following language:—

“The missionaries who have thus expressed their views, have done so, unquestionably, because they deemed the revision proposed intrinsically right and just. The progress made in the empire within the past few years, and the high position taken by the officials in their relations to foreigners, giving assurance that anywhere within her territory they will be justly treated, remove all ground for the enforcement of the odious stipulation. England or America would not for an instant tolerate the assumption on the part of Japan that her citizens would not be fairly treated in the courts of these nations, nor would they suffer Japan to set up within their bounds her own independent courts. Is it to be expected that the Japanese will quietly assent to the permanence of this clause in their treaties with foreign powers? Its presence there they naturally regard as a standing reproach.”

Now if these twenty-eight men who signed the above memorandum can live under the laws of Japan, any other good foreigners can do so. The truth is, the people who say they dare not trust themselves under the laws of Japan are the adventurers who cannot live, according to their own ideas of liberty, under the laws of any country, and who, in the loose methods of extra-territorial jurisdiction, use the protection afforded by law to commit all sorts of outrage and crime.

In view, then, of these considerations, may we not conclude that the obnoxious claim of extraterritorial rights can safely be expunged from our treaty with Japan? And in regard to extraterritorial rights as well as to customs duties, should not the United States take the initiative in the revision of treaties now under consideration? Ought we not, as an honorable and Christian nation, to help Japan out of her troubles with other nations, because we got her into them? And because it would be doing as we would be done by? *Only thus* can we pay our debt to the cause of freedom, of righteousness, and of civilization. Our pecuniary advantage, our self-re-

spect, the respect of the world, and the cause of Christian missions,—all demand an immediate and radical change in our treaty relations with Japan.

Now, what the moral sense of the people of America demands the government will do. And the government will do nothing except as the people demand it, and after they demand it. Is it not time that the Christian conscience of America made itself heard on this matter? Shall this appeal of our missionaries whom we have sent forth as representatives of the churches, to do our work in Japan, go unheeded? It will not, if Christians show themselves interested, intelligent and determined in regard to the matter.

And if these wrongs are not righted, and religion is not made to mean righteousness in Japan, the responsibility will rest upon the Christians of America. But, if these things are made right, we shall show Japan that we send her Christianity because we practically believe that "righteousness exalteth a nation."