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同志社通則

第一章 綱領

綱領

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擧ケルヲ以テ本社ノ目的トス

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校ハ總テ同志社某校ト称シ悉ク本社ノ通則ヲ  
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昭和十一年四月  
贈





カスヘカラス

本年二月改正文部省ニ由ラセシモノ

同志社綱領(現)

第一條 本社ヲ同志社ト稱シ智徳并行ノ主義ニ基キ教育ノ業ヲ興ケルヲ以テ本社ノ目的トス

第二條 本社ハ基督教ヲ以テ徳育ノ基本トス

第三條 京都ヲ以テ本社ノ位置ト定ム

第四條 本社ノ維持資本ハ如何ナル場合ニ於テモ之ヲ

支費スルヲ許サス



新

同志社を其基とするは従来ノ社有リ永遠ニ継

續セシメンコトヲ欲シ全社員一致ニテ之ヲ決

議シナス

第一條

智徳並行ノ主義ニ基キ教育ノ業ヲ営ムルハキ一社ヲ設  
立セシメテ之ヲ従来同志社と爲シ其管理ニ女員若クハ他  
各員ニテ所有セシ一切ノ財産ヲ寄附ス但財産ノ種  
類數量用途ハ附屬表ニ依ル

第二條

右社ハ同志社ト稱スルベシ

第三條

同志社ハ基督教ヲ以テ徳育ノ基本トス



第四條

京都ヲ以テ同志社ノ位置ト定ム

第五條

同志社ノ資産ハ理事會之ヲ管理ス

第六條

同志社ノ基本財産ハ如何ナル場合ニ於テモ之ヲ支  
再買スルヲ許サズ

第七條

特別ノ寄附條件附ノ財産ハ其條件ニ從フテ管理ス  
ベシ

第八條

用途ヲ指定セラレタル財産ヲ其用途ニ充ツルコト能ハ

（宣教師會表）

同志社理事會ハ  
本會所附行為ノ規  
定ニ由リ非レバ字  
校ヲ起シ若シハ他  
ノ事業ニ從事ス  
ベカラズ

ス又ハ理事會カ充テ難シト認ムル場合ニ於テハ理事  
會ハ第一條及ヒ寄附條件ノ主立意ニ從フテ適當ノ使  
用法ヲ定ムルヲ得

第九條

理事會ハ十五名ノ理事ヲ以テ之ヲ組織ス但社長ハ在  
職中當然其一名タルモノトス

第十條

社長ヲ除キタル理事ノ撰定ハ左ノ方法ニ依ル

- 一 同志社ノ設立者ハ第一回ニ限り自己ノ中ヨリ八名  
ヲ撰定ス（第二回以後ノ撰定ハ第十條第一号ノ  
規定ニ從フ）
- 二 同志社校友ハ其互撰ニヨリ四名ヲ撰定ス



三 同志社々友ハ其互撰ニヨリ二名ヲ撰定ス

第

社長ヲ除キ自餘理事ノ任期及ヒ改撰ハ左ノ規定ニ依ル

一 設立者ノ撰定ニカル理事ハ五年毎ニ自己ノ投票ニヨリ其半數ヲ改撰ス

二 校友及社友ノ撰定ニカル理事ハ三年毎ニ其半數ヲ改撰ス

第

理事會ハ本寄附行為ヲ以テ特ニ規定シタル場合ヲ除クノ外左ノ事項ニ付例規ヲ設クルノ権ヲ有ス

一 社長其他役員ノ撰定任免職務報酬

二 次員産ノ管理

三 豫算及ヒ決算

四 學科

五 理事會校友會及ヒ社友會ノ職務開閉議事及ヒ處務方法

六 此他同志社ノ管理ニ必要ナル事項

第

社友ハ民法第五十九條ノ職務ヲ行ハシムルタメ監事ヲ選定スルコトヲ得其資格任期人負ハ理事會自ノ定ムル所ニ依ル

第

校友ハ左ノ資格アル者ニ限ル



一 同志社ノ卒業生及ヒ從前同志社諸學校ノ卒業生

二 同志社ノ教員及ヒ從前同志社諸學校教員タリシモノ

三 此他校友會カ理事會ノ同意ヲ得テ定ムル所ノ規定ニ依リ推薦セラレタルモノ

第 三

校友ハ左ノ資格アル者ニ限ル

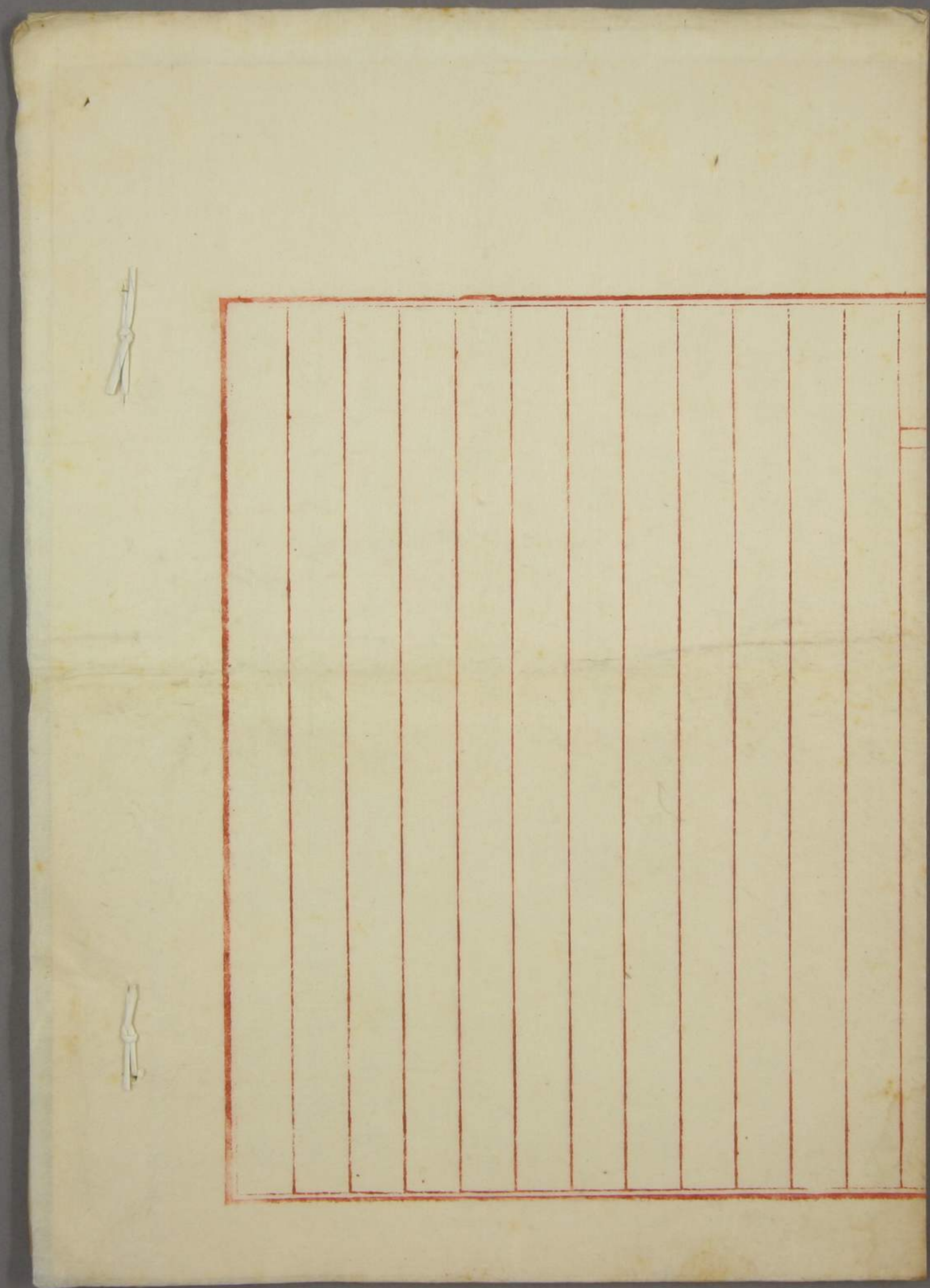
一 同志社ノ設立者

二 同志社ノ及メニ室所附全ラシ其他同志社ニ功カアル人々ノ中ヨリ理事會ノ推薦シタル者

第 四

本決議、中第一條、四條、六條及ヒ七條ハ変更スルヲ許サズ其他ハ理事會全數ノ三分二以上ノ決議ニヨリ之ヲ変更スルコトヲ得







子百九年十月十四日

大正十一年四月  
大隈侯爵邸寄贈

本公使館  
アムステルダム

三橋書記官殿

以上簡致致上共陳者ハック公使ノ命ニ  
依リ別紙同志社事件ハ関スルコトクナイゾアト  
テ書状ニ封入差進セ向大隈侯閣下ニ  
送付遊ルベシ

「ベック」氏ハ去土曜日ニ於テハ大隈侯トノ協議ニ

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文  
省



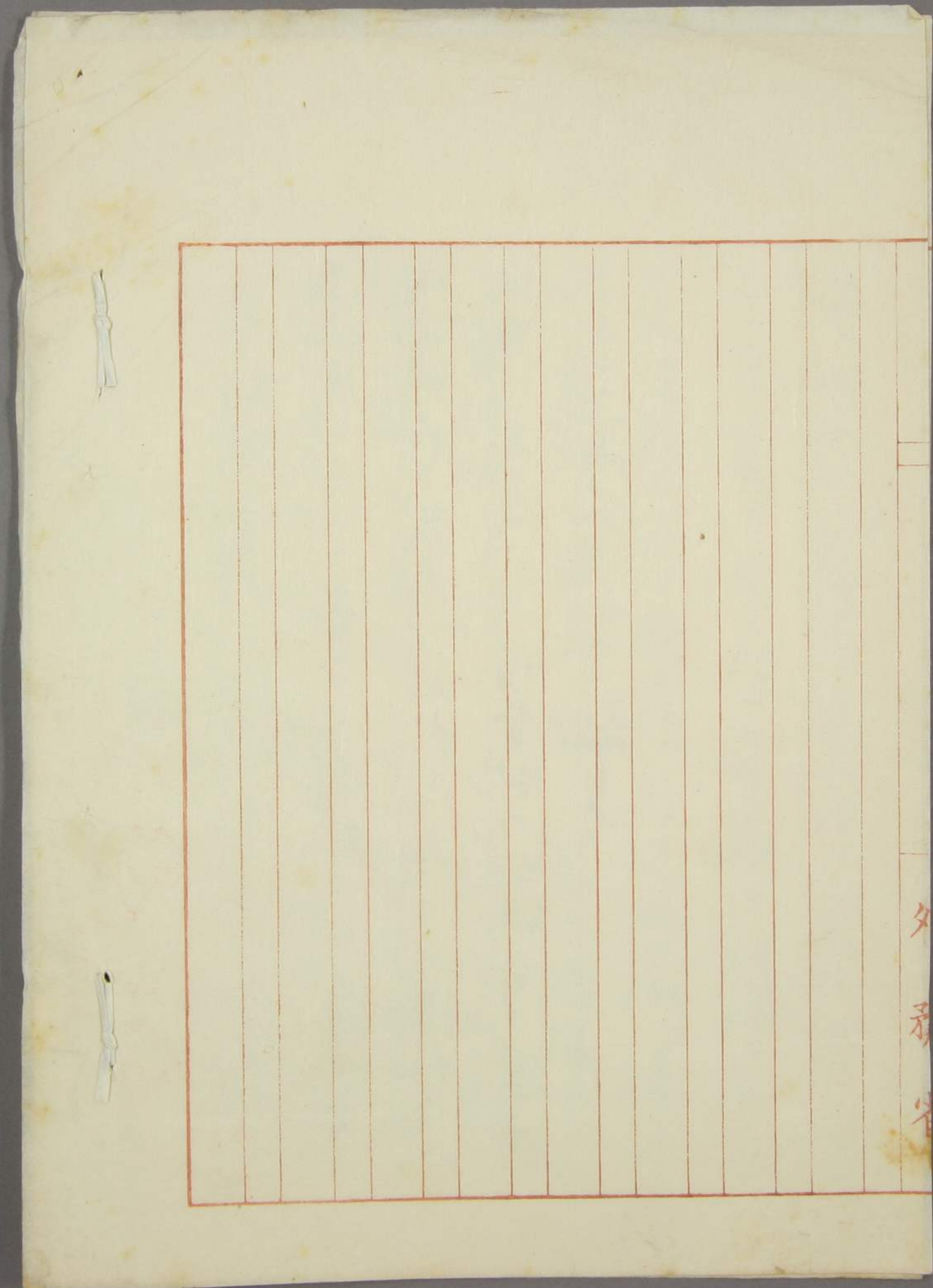


從、同志社評議員ト未也傳道會社代理者ト  
クアイアアトノ間、於て争議ヲ請傳トモカ  
ノ去、日曜日シテ横濱一赴カシ候處、クアイア  
アノ意見ハ容易ニ動カシ難キ授權アリ、由  
リ會談終リ、後「バツク」公使ハ同氏ニ對シ  
テ、口頭ニシテ亦明ク申付ノ事ニ實ニ無  
同氏ノ主張ニ見テ、保持スルノ理由ヲ書面  
披陳セシ度ニ自ラ申遺<sup>殘</sup>シ、歸京被致セ、昨日

ニ至リ、別紙ノ書状ヲ接シ、申付ノ事ニ實ニ無  
限、同氏ノ書状ヲ見テ、是實ニ是實ニ、甘<sup>變</sup>ク本  
同公使ハ、思方ハ改セ、右モ大隈侯様ニ  
快中ニシテ、申付、日、公使自<sup>手</sup>ラ進遺  
テ、同氏ノ書状ヲ見テ、是實ニ是實ニ、甘<sup>變</sup>ク本

ト  
答  
首





夕

積

省



千九百二十年十月十一日於横濱

天正十一年四月  
隈侯爵郵寄贈

又、カブルマー、マリアイヴォア

米の公使アムストローム、バックス閣下

以上簡致以上其、浪者京都同志社大學  
ノ管理ノ方ニ関スル事件ニシテ昨今ノ日米とも  
ニ於テ「同志社問題」トシテ世ニ知ラシムル事  
ニ至リ、就キ拙者ト協議ノ為メ昨日シテ  
は米濱ノ之ニ懇談ノ榮ヲ辱ク事相海ノ

ト  
答  
省



右の大隈総理大臣閣下ト私文之ノは之を見  
アリスル結果ト及ニマシマス

其際使約来申上由リ閣下ノは参考ナ  
トシテ未モ方ヨリ觀念トシテ本件ノ事歴  
並ニ未モ事及ノ意見ヲ記述可成ナ  
前及ニ開陳致並ニ余有之即々本件ノ事  
表セシムル閣下ノ公共心ト總理大臣閣下カ官能  
ノ是配モ下ニ共ニ深ク感佩トシテ有之

先キ日本子ノ官能トシテ所ニ所ニ深ク大隈  
伯ヲ敬信シタルニ有之嘗ニ内外人カ並  
認識スル所ナル伯ノ技術ニ對シテノニナ  
内海外ノ公人ニ於テモ尚ホ多ク見テ所ノ伯ノ  
直實ノ公正及剛毅ノ良徳ニ對シ深ク敬  
慕及ニ在リ杜者ノ斯ノ敬慕ヲ抱イテ本  
ニ歸リ今又之ヲ荷フテ再ニ日本也ニ  
閣下ニ大隈伯ニ對スル杜者ノ信念ニ同感



十九の言送る際を減じよ本年の貴員(二由)の  
政業をせ

杜若の強ト三速る程當に滞り政務せ、  
其間和協ノ精神ヲ以テ穩和ヲ主トシ學身  
ニテ談判ニ從事スルヲ一委任状ニ依リ杜若ト  
連帶せん紳士ニ各ノ勸告助言ヲ除リノ外官  
邊ノ補習ハ一切要スルナラシム要らんナラシム  
若シヨリモ速カニ人数モ多ク且土地ノ協力モ強

キ對シト討議シ来リタル次第ニ有之ルハ生際  
ニ當リ閣下並ニ大隈伯ノ御貴顯ノ賢慮  
ヲ世承ルル杜若ノ目録ニ依テ對シタル有之ル  
若シ五五カ場ヲ以テ主長トシテ所ノ事實  
並ニ極メテ穩當ナル者セシメ要求ニテ兩閣下ノ  
詳悉セらん、所トナシテ閣下ニ於テ個人トシテ  
援助ヲ與フルル者ナラシム信じて之ニ其  
援助ハ世ノ公平ニシテ公平ナル人物カ作ル可

ト務



ニ着實たる目的、對し、  
トナル

因に杜若に生雲に依じ一主翰ノ以テ終り  
盡りて一限りの五々をノ依據スル事之トモ  
ヲ圍繞スル所ノ状態トシテニ詳原可也

量キキ本中ニ於テ博リ人ノ敬信ヲ受ケル人ノ  
ナラス文野世界ハ今尚キ其人ヲ追想シテ欽仰  
ノ言ヲ禁スル能ハズ~~ハ~~日本ノ一紳士新島

博士ニ十数年ノ以前、日本ニ於テ一個ノ学校

<sup>即チ</sup>著大博士ヲ設クモガ其後博士ノ基督教

ヲ以テ同校ニ於ケン徳育ノ基礎トスル事トナラ

公言セシサレ<sup>ル</sup>ト博士ノ生涯ト其十五年

ニ亘ル同校ノ管理ト<sup>リ</sup>實ニ其公言ヲ証ス

ト<sup>ル</sup>アリ<sup>テ</sup>有<sup>リ</sup>ト<sup>シ</sup>ト<sup>テ</sup>教<sup>育</sup>ノ實<sup>績</sup>

ナル也<sup>ト</sup>謂<sup>フ</sup>也<sup>ト</sup>大隈<sup>侯</sup>モ其<sup>人</sup>ノ<sup>一</sup>ヲ<sup>ナ</sup>リ<sup>キ</sup>ノ<sup>意</sup>

仁<sup>ニ</sup>公<sup>共</sup>ニ<sup>シ</sup>由<sup>リ</sup>内<sup>中</sup>ニ<sup>於</sup>テ<sup>モ</sup>基<sup>本</sup>全<sup>ク</sup>ヲ<sup>具</sup>ス

ト<sup>ル</sup>省



集りより分ちて一途カ多額ノ金員ハ「ボスト」  
於て外也傳道會社より自ら之ヲ寄附し  
又ハ其寄附ヲ取扱候處抑も「寄附金」  
ヲ豫出せしん次第ハ當ニ基督教リテ同校ノ  
徳ニ有基礎ト為ること云ハ新島博士ノ公言  
ヲ信憑せしんこと多し也傳道會社カ或ク  
博士ノ品性及目的ヲ知リしんカ故、外ナラズ  
之ノ勿論博士ハ此ニ至んテ其受ケん任托ヲ

遵守スルニ始テ始テテサリしん人ノ知所、有ク  
博士ノ所身ニテリ同博士ニテテヨリ尚ホ生後  
セリし事ハ如斯ニ母ニテテ年議ハ公衆ニ  
内容ニ生スルニ下ナカシト信セサ、博士ノ  
死期・先ニテ博士ノ整理指導・依リ通則  
條款ノ設定有ク其後、是ハ同大學ニ永久ノ  
管理法ヲ規定しんニテ同博士ガ據ツテ此ヲ  
「寄附金」トシテ其基トスル本旨ヲ記シん

ト  
寄附金



ラ・有之キ一ニテ該通則ノ實施ノ後其  
保障ニ依頼シ未也傳道會社ノ更ニ多額  
ノ金員ヲ寄附シ又其寄附ノ取扱ヲ考ヘ  
タル處今日ニ至リテハ總計數十萬圓ノシキ  
ニ登リ居サレ、新島博士ノ死後該傳道會  
社カキリ其ノ出資シテ置入シタル旧大連子  
賊産ニ對シ未ヨ其保管權ヲ主張セザルニ  
當リ早ク之、一個ノ運動ノ出現ヲ見ルニ至リ

シカ其運動ハ必竟スルニ旧大學ヨリ傳道會社  
ノ協カト其ノ抱持スル所ノ主義ノ感化トシ  
至然排斥セトスルニ外ナラズ云法ハ之カモソ  
少カラザレバ障礙ヲ集リタル一ナレバ是ハ茲ニ  
詳述スルニ必要トケル相有キ可也其ノ事  
態如此ナレバ拘ハラズ會社ハ基督教之義ノ  
惡毒ト認識トシテ昨日迄ニ至ルニ何事カ  
或ノ要求ヲ提出シタル一途ニ唯、日本人ノ



右義の、富の、必ス大過十カレト信シ荏苒  
之ヲ觀過シ来リテ然ルヤ本年二月ニ至リ  
當時同志社理の員ハ其ノ各自就任ノ際  
保持衛護スルコト誓ヒタル通則條款ヲ侵犯  
シ事ノ實ニ殆ト下之ヲ破壊スルコト依リ傳道會  
社ヲ據ルコトテ世界ノ表ニ特立スルコト大ニ  
義ハ之カ為リ覆没スルコト至ト相成サレ  
念社ト是迄自個ノ世帯リタル障害ニ對シテ

之ヲ觀過シテよりト是レハ其ノ大ナル義ノ  
侵犯スルコトニ於テ到底之ヲ黙認スル能ハザル  
ノニナラス「念社」寄附人等ハ念社ヲ責ムルハ  
寄附人管理ノ怠慢違約ノ取ツルコトニ  
之アリ因テ此ハ批難ヲ疏解シ且其意ハ  
枉曲ヲ矯メタルヲ極力見ホシテ來ル事實  
ヲ秘ル日本法律ニ照ラシ本件ノ現状ヲ詳  
述スルノ事任リ受ケル次第ニ有リト云



法律者ト外ニ名ノ回復ニ對シ全權委任状  
ヲ與ヘテ其委任状ハ「マサツキニセツ」ニ付  
至テ宛ト政府ノ相當者更ニ於テ証照讀印  
シタルモノトシテ勿論閣下ノ檢閲ニ供シ要セザル  
ニ付一方委任状ニ據リ其旨ノ本件ニ付ノ  
半議ヲ穩當ニ調停スルニ爲ラ共ニ此  
事ヲ成ラサシキ中其旨ノ任事旨トシテ公武  
ノ裁判ニ訴フルヲ得ル事ノ有リキ

本者ノ既ニ與テ悉クシテ同志社理事長ノ措置ニ  
爲レ更ニ詳述シ且未カ方ノ見解トシテ  
且影響ノ波及スル所ヲ細陳可成キ新  
島博士生存ノ施設ニモ且リ復キ實  
行セシムル同志社通則ハ二條より該社ノ同  
志者ノ各目ヲ附セラル本規定ニ據ラザル  
如何ニ其學校ニ於テ設置シ若クハ管理モ亦  
ハシト規定アリキ其第六條より該通則

本省



ノオ一條のつ五個條の變更ス一カラサレモトニ  
有テ規定スルコトアリ(右モオ六條ノ變更ス一カ  
コト)規定ハ之ニ(然レモ)志法理ニ依リ  
テ通則ヲ保持スルコトヲ神聖ナル義務アリ  
トシテオ六條ヲ削除スル先ツ箝制  
脱スルニオ二條ノ精神ヲ減却スルニ  
有テ之ヲ此<sup>妻</sup>業リ<sup>ト</sup>モテ<sup>テ</sup>職<sup>ト</sup>理<sup>ス</sup>ノ員<sup>ハ</sup>於  
テ<sup>モ</sup>五<sup>ノ</sup>上<sup>ノ</sup>島<sup>ノ</sup>ハ<sup>テ</sup>モ<sup>ト</sup>モ<sup>ト</sup>ニ<sup>モ</sup>モ<sup>ト</sup>モ<sup>ト</sup>其<sup>ノ</sup>權<sup>限</sup>ヲ<sup>越</sup>ス<sup>ル</sup>コト

之<sup>ノ</sup>相<sup>違</sup>ハ<sup>シ</sup>テ<sup>モ</sup>其<sup>ノ</sup>理<sup>由</sup>ニ<sup>依</sup>リ<sup>テ</sup>目<sup>的</sup>的<sup>ニ</sup>  
察スルニ量<sup>キ</sup>テ日本<sup>ニ</sup>於<sup>テ</sup>ノ<sup>發</sup>布<sup>ス</sup>ル<sup>法</sup>令<sup>ノ</sup>恩<sup>典</sup>  
典<sup>ニ</sup>沿<sup>ヒ</sup>テ<sup>テ</sup>欲<sup>ス</sup>ル<sup>コ</sup>ト<sup>ノ</sup>即<sup>チ</sup>テ<sup>同</sup>法<sup>令</sup>ニ<sup>依</sup>リ<sup>テ</sup>  
進<sup>ミ</sup>テ<sup>其</sup>規<sup>定</sup>ヲ<sup>遵</sup>守<sup>ス</sup>ル<sup>コ</sup>ト<sup>ノ</sup>校<sup>長</sup>ニ<sup>テ</sup>一<sup>定</sup>ノ<sup>恩</sup>典<sup>ヲ</sup>  
シ<sup>テ</sup>其<sup>ノ</sup>規<sup>定</sup>ヲ<sup>遵</sup>守<sup>ス</sup>ル<sup>コ</sup>ト<sup>ノ</sup>其<sup>ノ</sup>理<sup>由</sup>以外<sup>ニ</sup>通<sup>ル</sup>  
ル<sup>コ</sup>ト<sup>ノ</sup>規<sup>定</sup>アリ<sup>テ</sup>因<sup>テ</sup>其<sup>ノ</sup>理<sup>由</sup>ニ<sup>依</sup>リ<sup>テ</sup>其<sup>ノ</sup>理<sup>由</sup>  
校<sup>長</sup>ニ<sup>テ</sup>特<sup>典</sup>ヲ<sup>得</sup>ル<sup>コ</sup>ト<sup>ノ</sup>前<sup>述</sup>ノ<sup>如</sup>ク<sup>テ</sup>通<sup>則</sup>  
則<sup>ニ</sup>テ<sup>テ</sup>條<sup>ヲ</sup>持<sup>殺</sup>シ<sup>テ</sup>通<sup>則</sup>ノ<sup>據</sup>ニ<sup>テ</sup>中<sup>學</sup>ヲ<sup>組</sup>

外務省



織しん次第ニ有之サ、右ニ同通則ハ、尚ホ  
同志社附屬学校中、テ中學校以外ノルニ  
依然適用セラル、事ハ、有之ヲ得共、中  
學ニ同志社基金中ノ多額ヲ吸收シ且理  
事多ク注意ヲ專ラシ、傾キ候事、ナシ、中  
學基金ハ、年々減少スルヲモ寧ロ増加スルノ  
形跡アル、理事多ク報告ノ形迹スレ、有  
之サ

松者、於テ日本政府カ前題ノ法言ヲ制シ、  
發布シ、ハ儀、此キ反對スルノ權アリト云フ  
モノ、ハ、何レノ政府ヨリ消スルカ、此ノ法言ハ、  
強制ナラザルモ、テ發布スルノ權アルカ、  
事、ハ、該法言ハ、學ノ其ノ規定ク、好ク遵守  
スルモ、得テ特典ヲ定メ、ハ、外ナラズ、又該令  
ハ、該法言ニ直ニ復リ、テ強制ナラシメ、ハ、  
スルモ、公認ナル日本政府、ハ、既往、ナラズ

ト  
各  
省



コトをかんがへ又之ヲ既言ノ義務ニ適用スルコト  
を以テ本ト爲シテ唯々其ノ抗議スル所  
ハ理ノ多ク行爲ニ止ルモノニ有ラズ初シ  
未カク理事多ク其ノ公認直轄ニ抗議ヲ  
提出スルノ處何處ノ迄セムヲ得スシテ空しく  
數個月ヲ往ル所ナリ

前年一カノ事案ヲ以テ此ノ前題ト爲  
任状ト訓ふトシテ其ノ去九月二十九日

國・其義ニ委任状ニ連帶ナル關係ト云々  
シ其ノ直ニ同志社理ノ多ク接見致サ  
爾來專ラ和協ノ精神ヲ以テ談判ニ開  
始シ杜若其ノ讓歩ニ讓歩ヲ重ム今日ニ至  
リテハ彼我ノ間要成トシテ一點ヲ残スルニ  
相成カレる此一點ニ双方ニ對シ重ク大ニ  
關係有スルモノニテ一方ニ於テハ同志社ノ面目  
ニ關スル又杜若其ノ放擲スル中ニ

此般



談判ノ感想シキ却  
スル事ト可キカ  
不キ其ノ點トノ新定ノ通則中ノ一個ノ之義  
即宣言ヲ既讀ニシテ曖昧ナクナル様ニ記述シ  
置クニ下ノ一儀ニ有リ不キ該ニ義即宣言  
言ノ効力至ニテ該通則中ニ挿入スルニ必  
要ニ至リテハ双方共ニ認藏スル所ニ至ル  
談判ノ初メニ當リ社者カ先以テ既言シテ  
らん社者ノ意志ハ決シテ学理ニシテ神學  
ト

問題ヲ討議セト欲スルニアラス又基督教ノ本  
義ヲ云ハスルカハ備快ナシ思見ヲ抱持スルニモ  
アラス事ト有ラズ一是初社者ノ提出せん要  
求(權利問題トシテハ)當ト認ムハ必  
要ト認メラシムン變更ヲ加フルノ原案トシテ先ツ  
旧通則條款ヲ復活セシムル事ト有ラズ  
其後ハ儀ノ同志社理事多ク死リ困難ナシ  
アラス事ヲ諒知シムルニ因リ審議ノ便ヲ計ル



右請おう撤回するに過去ノ違法ヲ觀過シ  
遂ニ理する事、提出せん新定決議案(通則  
ニ代りんそ)ヲ討定せん事ト改せ、因ラ松者  
ハ根柢より基督教主義ヲ昭示せしカキ  
其第一條、教言ヲ追加する旨ヲ申出せ、  
(右決議案)閣下ヲ於ては又ノ事ト改  
美しむ事ハ是レハ何條ト記せん、止  
其おのち、有キ事也(右係、討議ノ

また、申出ラレ消シ、更ニオニ條ノ末尾、其  
終テノ學部ニ於テ、教語ヲ加ヘテ、其議  
決事、是レ同様ノ旨趣ヲ別條(即チ九條)  
ヲ以テ表出せん事、理する事、此レハ便利ナリ  
トシ、是レハ松者ハ其議ヲ撤回せし  
る事、所謂別條ノ本文ハ左ノ如クナリ  
同志社理事等ハ同志社ノ私ヲ用ゐん外  
學部ヲ設立し、如何ニ教育事業



ニシテ議定セラルルコト

於是に在るハ各年「外」以テノ文言ハ後リ  
ニ要ト認メサレニ付之代リ「本通則」決  
議ノ規定ニ據ル「外」ハ數ララシクモト  
ラ成メ申サレ然レテ討議ノ末校長自ラ之リ  
「本通則」ニ違フモサレ「外」トスル「修正説」  
提出セラルルコト因リ在者ハ之ニ共ニ後者ハ前  
者トテ同意義 強カラズ且其終「外」ハ學ノ形

式ニ「修正」モサレ上旨ヲ申出セザルモ理シ多ク「修正」  
提出協議ヲ凝ラシムルコト在者ハ其議ヲ拒絶  
シ且理シ多ク「修正」提出シムル新修項ヲ挿入説  
モ其一部ノ修正説モ其旨志ヲ撤固セラシムル  
尤モ理シ多ク「修正」在者カ既ニ「修正」トスル主義  
ニ同意シ又在者ハ其後議ニ其文言ニモ反對  
モサレ「修正」スルニ至ラズト認ムルコトモ何カ  
政界之ニテ許容シ難ク「修正」ハ討議ノ際



於るに又其後拙者ノ落子と云ふ面にて  
幾回も通牒を受く申す。又理事長  
主張せしむ所の該通牒の現を儘に  
えら拙者ノ意見に抱括せんモノに  
才三條ノ規定の同志社各学部  
用ふべきモノナリト申す。付拙者  
若しを拙者ノ意見に現を  
ニ包括せしむ理の爲め  
意見に肯  
申す。付拙者ノ落子と云ふ面にて

申す事なる其之ヲ拒絶せんノ理由ハ世ニ有リ得  
ヘカラス。申す中其ノ理の爲め其ノ  
依しハ該通牒の現を  
際亦三條ノ同志社ノ設せん  
用スルト同時ニ文部省ノ認可  
學ノ對スル特典ハ依然  
有之サ。因ラ拙者ノ  
シテ文部省ヲシテ其  
ト

ト  
務  
省



中學生ニシテラサンモノト解籍セシム程ニ漫然タル文  
字ヲ用ユルニ於テハ同志社將來ノ理事職員モ亦數  
年ナラスシテ此解釋法ヲ採リ獨リ之ヲ中學生ニ止  
マラス他ノ學部トモ亦之ヲ通用スルリ得「シト云フ  
モノ也ツルモ必ず及メ知ル「カラストノ旨趣ヲ申入サ  
然ルニ今般同校長「ヲ接受「クム生筋「依シハ  
理「多クハ拙者ノ發議モ又之ト同様ナル意義  
ヲ包含スル字句ヲモ受諾スル解「ス又理「クセ「

「ノ發議ニ存シ新條目挿入説ハ「と撤回シヨリ  
ト重ク同發議ノ文「(「學部ニ於テ同志社ノ  
必「用スルヲ要ストノ文「)「更ニ一個條ヲ追加スル  
儀「ハ尚「喜「ク應「ス「而シテ是「ハ拙者「  
改「テ發議ス「シトノ請「求「有「ク「示「シテ新定通  
則「所載ノ文「言「如何「拘泥「ス「トナリ新式法「理  
事「多ク「重「天惠「ノ指「導「守「リ「信「任「シ「テ「女「ノ請「求「ハ「  
セ「ト「事「有「之「サ「ク「此「ノ「點「ハ「拙「者「於「テ「到



底讓歩の難き所、假令其の日本民法ヲ  
信する極ラ厚キトナシテ該民法ハ他ノ法典  
ト均シク學ニ云ハレ組織ノ規則ヲ設定スル  
權ヲ與フニ止マリ一定ノ形式ヨリテ其規則ヲ  
解釋スルトナシ人規則ニシテ解釋アリクモ若クハ  
其ノ以テテ了リ字儀ノ生ズルトアルモ之ヲ<sup>察</sup>理シ  
又<sup>之</sup>修正スルモノニ云々其之ヲ為スル義務責  
任ハ創之者ノ負擔スル所ナラズ又<sup>之</sup>創之者

等ノ理ヲ以テ對シ深ク信任ヲ與キ候トモ  
理ヲ負ハ終始盡心盡力ニ示シ強ク明確  
ナル規則ヲ設定セザル中ノ理事人員ニ於テ其  
目的ノ公邦ノ權キ或ハ違法ノ舉措ニ出ルル  
モ可<sup>レ</sup>トスルヤ又天惠ノ指導ヲ依頼スル點ニ於  
テハ未<sup>レ</sup>チ傳道會社ノ在<sup>ル</sup>ニ出ルモノ有<sup>ル</sup>ニ聞敷キ  
在<sup>ル</sup>係<sup>ト</sup>未<sup>レ</sup>チ事無<sup>ク</sup>徵<sup>ス</sup>ル天惠ハ自<sup>ラ</sup>勉<sup>ム</sup>ル  
能<sup>ハ</sup>ス又<sup>ハ</sup>勉<sup>ム</sup>ルヲ欲<sup>ス</sup>ルモノヲ助<sup>ム</sup>ルモノナラズ



事一便之、這般ノ是隨之、寧之、其ノ中心ナリ  
サレ、此ノ有之、

吾等が是を讓步的精神ニ以テ事ニ當リ  
ルハ、最早ノ國子、於テモ其精神相成ル  
事ト信シ、又吾等が先方より同様ノ精  
神ニ以テ待遇セラルルコトヲモテ、實ニ其  
事ト信シ、

終始永く、繼續スル根本的規定ノ條款ヲ  
明瞭ニ記載スル儀、其ノ何等ノ是議ナカルコ  
事、獨り、未ダ方ノ見解トシテ、トシテ、  
企業ノ成功ヲ希フスル、見解、  
スレ、其ノ主體ナリ、ト確信政サ、  
ツ、計人、於テ、他ノ條款ニ、  
モ、ア、中、之、ヲ、反復再記スルモ、  
有之、此儀、未ダ、寄附者ノ為、  
同志社ノ為、



有之ヤ、僅カニ一時ノ利益ヲホノコト為テ一個  
ノ後ノ生命ト基礎及行為ノ規程トシテ  
條款ヲ撰定トシテ其明晰ヲ欠カシメトスル人  
ヲ以テ如何ニシテ其長<sup>き</sup>ト為スリカト云フヤ、  
昔ノ或レノ師<sup>の</sup>ニ云フヤ

前題ノ陳述ニテ、國下ニ於テカノ學理ニ拘泥セス  
又該通則ノ解釋ニ影響ヲ与スル將來ノ事件  
ヲ既<sup>に</sup>ホ<sup>シ</sup>スルニモア<sup>ラ</sup>ズ、<sup>ハ</sup>未<sup>だ</sup>ハ<sup>シ</sup>其<sup>の</sup>實質<sup>を</sup>以テテ死<sup>す</sup>トナ<sup>ル</sup>

同校ニ於テ人目<sup>を</sup>テノ状態ニ定<sup>て</sup>規定<sup>を</sup>以テテ注<sup>を</sup>法  
おスルニ先<sup>に</sup>分<sup>り</sup>タルモノニテ是<sup>レ</sup>即チ<sup>ハ</sup>拙者ノ畏怖スル  
所ノ危險ヲ宣<sup>明</sup>証<sup>し</sup>スルモノニ有<sup>ら</sup>ズヤ、拙者ハ決  
シテ一主<sup>義</sup>ノ專行ヲ迫<sup>る</sup>ルモノニ之<sup>を</sup>以テ又<sup>ハ</sup>自個<sup>を</sup>  
ノ解釋ニ依<sup>り</sup>テ文字<sup>を</sup>條款ヲ採用セシメント欲<sup>し</sup>スルモノ  
ニモ之<sup>を</sup>以テ、拙者ハ先<sup>に</sup>尤<sup>も</sup>尤<sup>も</sup>尤<sup>も</sup>之<sup>を</sup>以テ校<sup>長</sup>  
ニ書<sup>き</sup>送<sup>り</sup>リ申<sup>す</sup>ヤ

拙者ハ記述ノ特別ノ形式ヲ採用セシこと



ヲ希望せんや、いふに、世に基督教教員  
總ニ同校ノ学部ニ在ル徳育ノ基礎ハ  
ハキ有テ該通則ニ以テスルニハ必要缺ク  
ヘカスル所ト確信致ス

然ルニ同校長ハ此ノ文言ヲ適宜トシルニ則  
テ、主務ヲ送ラシメ、<sup>見</sup>御才ニ有ラズヤ  
キキヲ見終、提出シルニ重要トシテ請カ、拒  
絶セラシメ、<sup>送</sup>送カ断絶シヨリト申スアリ、

今ハ此ノ事カ、<sup>送</sup>請カ、<sup>送</sup>同校ニ重要トシテ  
シテ之ヲ拒絶セシムル事然ルハ情カモ違法アリトシ  
テ、旧地位ニ返ラシムルニ及ラズ、初メ拒カ、<sup>送</sup>  
友好ニ扱フニ送ケルニ其結果アリ、<sup>送</sup>未カ、<sup>送</sup>  
齎シ帰ルルカ、<sup>送</sup>ト信じ、<sup>送</sup>在併、<sup>送</sup>若シ此等  
守ルニシテ成ニルニ、<sup>送</sup>其者ノ使名トシテ義務トシ  
何カ、<sup>送</sup>其者ノ事、<sup>送</sup>其者ニ委託者ニ報告セシムルカ、<sup>送</sup>  
幾ニ、<sup>送</sup>其者ノ作ルニ記録アリトシ、<sup>送</sup>其者カ



公平に人の處分をせしむるに當りて其力に依りて  
 之を以て持帰すべしとせしむるに好むべき  
 之の取許を定むるに確たる事なきは其の  
 跡を得ざる實情を以て之れ故に其類者  
 必す其同志社に寄託せしむる事多し  
 又是れに依りて其類者に依りて其類者  
 必す其同志社に寄託せしむる事多し  
 其類者に依りて其類者に依りて其類者  
 必す其同志社に寄託せしむる事多し

之の寄附金を保するに當りて其類者  
 必す其同志社に寄託せしむる事多し  
 其類者に依りて其類者に依りて其類者  
 必す其同志社に寄託せしむる事多し  
 其類者に依りて其類者に依りて其類者  
 必す其同志社に寄託せしむる事多し  
 其類者に依りて其類者に依りて其類者  
 必す其同志社に寄託せしむる事多し  
 其類者に依りて其類者に依りて其類者  
 必す其同志社に寄託せしむる事多し  
 其類者に依りて其類者に依りて其類者  
 必す其同志社に寄託せしむる事多し



三  
子  
人

夕  
子  
省



口

夕





大正十一年十月三日

大正十一年十月三日  
大隈侯爵邸寄贈

於横濱 エヌ・ダブルユー・ブライザー

外務省 三橋信方殿

以ま届致すに甚便者昨日之便條於  
は船中ニモ拘らざるに割るに面暗  
彼に甚あ感銘之ありに對し可成之便條  
未傳聲と云ふ事其に同候、垂ふ信  
同志社之より資産を整理り分離

ト 終





ノ義、就るまゝ未ク同僚ト協議ヲ遂ルルノ  
暇等ノ暇ヲ期シテ云々可成ク云々  
既ニ其後ニ横井ノ云々法可成  
可成、有之ナリ

又ト同僚ノ杜者ヲ申出スル提議ヲ聞  
ル其旨ヨリ法ヲ考案スル事有之  
相成セシ事ニ於テ是レ其旨ニ所ト  
抑モ其旨見テ提出シタル旨ニ同志社

ノ基礎ヲ築因ニ其永久ノ隆盛ヲ計ス  
ト<sup>赤心</sup>丹誠ニ出タルモノニ外ナラズ  
横井氏並ニ  
理ヲ及ト協議ニ之事双方ノ討論或ハ  
同志社ノ資産及理者ヨリ離スル事却テ  
該社ノ属弱表類ヲ来スモノト為スニ由ル  
ニ可有之ト推測スル有之ナリト  
今ノ見テ其事情長法ヲ容サレリ  
ト云々果見テ申出セザル旨ハ退出ノ際



すし左之文を、意を盡せりし處を可なり、  
又其は是、又覆用陳可なり

日本法典に依りて法創を、其のしに付、  
認可の如く相當の特典を受くは、組織の  
四個條項に記載スルノ要アリ然る、新通則  
設定之目的、<sup>争</sup>議議に依りて一を其の必要  
條項に闡スルモノ也、本年、初横井氏  
より四個條目に記載せん願まじき出

其のん處當時、文部省の法定要件の外、  
於此通則全部ノ提供り得かしん、法律ハ  
指定、係り四個ノ要件以外、於て右通則  
中數個條に反對しん、依り横井氏の日者  
より特典ヲ受てしカキテ、遂に右數個條ヲ削除  
スル止ムナキ、至りて因テ同氏の新通則、  
於ては亦削條ノ由、依り特典ヲ得  
ト欲せしん、權限を以て然る、畢竟は依り



同氏ノ起テ一ノ條ハ新通則ハ經テ一ノ條者ノ  
主條セハ條項ヲ外ニスルニ由通則ヲ變更シ  
所多クノ量キハ特典ヲ受テハ官外實施シ  
規定ヲ更改シタルモノハ新通則ニ依リ  
特典ヲ得テキラス同氏カ定メテ採ルハ通則  
先ツ旧通則ニ由リテ得タル所ノ特典ヲ放  
棄若ク返還シテ後改メテ法律ノ要件ノ  
①通則ハ新通則ニ依リテ出願スルノ外ニ

事ト行ハサレ然レハ現時ノ文部省ハ  
も願ハテハ法典ニ附記スル要件ノ以外ノ  
請本トシテカキテ一月之間敷ク隨テ  
横井氏自ラモハテ且必要ニシテ日本  
憲法ニ法典ニモ書クテスト認メラレ  
一項ヲ該通則ニ挿入スルニ更ニ  
テハハサレテ如キハ特典ノ恩與  
不拒セラレテ於テハ偏見ノ責ト違  
信ノ罪ト



同氏ノ外、後リテ寧日備見シテ事ノ當リ  
ク職員ノト、夜ノキヲ有ニサ、或ハ一  
特典、失フ、子母ノ痛ハコトモ可哀ニ歎カ  
係日布子ノ用ハ深甚ニ信ヲ立クカトノ者  
ハ是其ノ時ノ子母ニシテキルテ子ヲ泣ク  
夫ノ同志社ノ如キ學舎ニシテ法律、哲  
ナキニ狹隘ナル備見ノ攝牲トナリテ沈湮せん  
事之更公認セラル、於テハ政府ノ公平ナル人

民ノ於教ニ必ス其救護ノ策ヲ講ズルニ至  
ルニ下行ニ非ズ、今、如キ一時ノ不便ヲ忍ブト永  
存スルニ確乎明瞭ナル通則ヲ設定シ公認ノ  
心ヲ持テテ社会ニ立ツル利益ト爲シテ熟シク採  
ルキヲ想フ、大隈氏ノ勸告ヲ助メテ、敬重スル  
點ニ於テハ横井氏モ亦極力ニ考ラサレト下行ニ  
以テ公認シテ、實量剛毅其勢カト好情  
目下救護ノ時難ニ拘ハラス  
何人モ尊重スル所、有ニセテ人爲ニシテ極力

小  
務  
首







方々多選了陰々於々貴うう煩ハし候也  
之痛之至々々世々々事々々之重々々最  
早一私件ハ云々々々々々々々々々々々々々々々  
ヨ大隈ハハ傳書々々々々々々々々々々々々々々  
者ハ教書ヨ傳書々々々々々々々々々々々々々々

各員



Grand Hotel, Yokohama,  
30<sup>th</sup> October 1898-

U. Mitsubishi, Esquire,  
Foreign Office,  
Tokyo -

大正十一年四月  
大臣 隈 侯 爵 郵 務 總 長

秘書課

My Dear Mr. Mitsubishi:-

May I trouble you to present to  
Count Okuma my thanks for the time which he  
gave me yesterday from the hours of a very busy man.  
I have not, as yet, been able to discuss with my  
associates the suggestion made by him as to the di-  
vision of the properties, and of the management of  
the Doshisha University, but I have arranged  
to meet them tomorrow morning, when the matter  
will be fully discussed; and I shall hope to  
meet Mr. Yokoi later -

As you will remember, the Count was good enough  
to say, at the close of our interview, that he would  
keep in mind and consider the possibility of car-  
rying out a suggestion offered by me: this sug-  
gestion was made because we are really inter-  
ested in seeing the Doshisha placed on a founda-  
tion which will ensure its permanent good  
and ultimate influence, and in view of the  
possibility that, after discussion with Mr. Yokoi  
and the Trustees, we may all reach the con-



Mr. Yokoi's application.

30th October 1888  
Department of Education

decision that a division of its forces will materially  
 weaken the institution and tend to destroy its effective-  
 ness — Since our interview was unavoidably cut  
 short and my suggestion was offered just as the  
 Count was leaving the room, permit me to state  
 clearly what the suggestion was: — It is admitted  
 that the Code of Japan requires a statement of only  
 four items of the Articles of Association of a Corpora-  
 tion in its application for governmental recog-  
 nition, and for the permits and privileges which follow  
 upon such recognition, and that none of these items  
 has to do with the point under discussion between us  
 in the framing of this new Constitution: it seems  
 that Mr. Yokoi, early in this year, filed his appli-  
 cation stating these four items required by the Code,  
 but that certain antagonistic influences in the De-  
 partment of Education, under a former Administra-  
tion, then in office, passed beyond the Code require-  
 ments, and compelled the production of his entire Con-  
 stitution, and took exception to certain provisions  
outside of the four requisites named by the Code;  
 Mr. Yokoi then felt that he was forced to dispose  
 of those provisions in order to secure his permits  
 and privileges from the Department, and now  
 conceives that he must maintain this exclusion in  
 order to carry his permits over under the new  
 Constitution — My suggestion, then, is that,



Education Minister's secret to be revised or that would  
be a violation of the law of education at that time  
the Japanese law now current in the same

since the draft of the new Constitution, as now prepared  
by him, makes changes in the old Constitution, and in  
the provisions of the arrangement that was in force  
when the permits now outstanding were issued, even  
outside of the clauses inserted on by me, he cannot  
hope to carry the permits over under the new Constitution,  
but will, in all probability, find that he is compelled  
at least in honorable duty to the Government, to ig-  
nore or return his present permits which were grant-  
ed under the old order of things and begin de  
novo, by making application under the new Consti-  
tution in accordance with the requirements of the Code.  
There seems to be no reason to believe that the present  
administration of the Department of Education will  
go beyond the plain and simple requirements of  
the Code in passing upon his application, by calling  
for information beyond those requirements, and  
he may thus be permitted to insert in the new Con-  
stitution a clause which he admits to be reasonable,  
honorably necessary, and not inconsistent with the  
positive law of Japan, her Constitution or her Code.  
But even if the result which he most fears  
should follow, and his permits should be refused,  
the burden of the charge of narrowness, and the  
charge of breach of an old trust, would be remov-  
ed from his shoulders and the charge of narrow-



Somebody says no, but I think it is better to have it  
in some, and I think it is better to have it  
in some, and I think it is better to have it

would, in such event, rest on the officials who acted  
under its guidance: true, the permits may have  
been, for the time, lost, but no one who has any  
faith in the growing enlightenment and broad-  
ness of Japan and her people can believe that  
the loss will be more than a temporary one:  
as soon as it is publicly known that an insti-  
tution like the Doshisha is made to suffer, not for  
any offense against the laws of Japan, but for  
the satisfaction of a narrow prejudice, the enlight-  
enment and the sense of fairness of the Government  
and of the people will surely demand the removal  
of her disabilities — How is it possible to weigh  
this temporary disadvantage in the balance against  
the advantage of a well-grounded and clear Con-  
stitution which is to live for all time, and the right to  
stand before the World with a clear conscience!

Mr. Yokoi must have as high an opinion as I have  
you, I have of the Count's advice and counsel, since  
Count Okuma is an honest man, a broad man and  
a brave man, whose influence and friendship may  
well be valued by anyone, even in the trying times  
through which the Government is passing, and  
if he, who, I am certain, agrees with the purpose  
of my suggestion, is willing to give this advice to  
Mr. Yokoi, in words which are better than mine, I am



from the fact that I have not been  
satisfied with the result of the  
action of the Board, I am sure that

Convinced that, since it is to be presumed that he  
wishes to do what is right and honest, he will  
be guided by it to do that which will be for the  
permanent good of the institution in which we  
are all interested and avoid a public and unpleas-  
ant discussion of its internal affairs: especially  
will he be impelled to this course when he realizes  
what, I assure you, is a fact, and one which every  
word and act of mine since my landing has em-  
phasized, that I am not making technical and  
unnecessary demands for any pleasure that I  
might find in doing so, or for the purpose of bring-  
ing something from him, but that I am controlled  
solely by a desire to effect an adjustment which is  
for the best and permanent good of the doorkha  
and all persons interested in it, and that, however  
I may be forced to act, I should feel as much real  
regret as he does if I am driven into a Court of law,  
as a last resort, to secure a record to take back  
with me for the judgment of my countrymen -

I am sorry to trouble you at a time when I know  
that your hands are full, but I am sure that you  
will understand that nothing but the importance  
of what I believe to be more than a private ques-  
tion would induce me to trespass on your kindness  
and patience, by asking you to be good enough to  
read the foregoing statement ~~of my suggestion~~ to



at that moment, and at the same time conveying to  
him an assurance of my highest respect -  
Very sincerely yours,  
W. W. L. For -

Count Okuma, at the same time conveying to  
him an assurance of my highest respect -

Very sincerely yours,

W. W. L. For -



Yokohama, 11th October 1898.

大正十一年四月  
大隈侯爵郵各

To the Honorable Alfred E. Buck,

Envoy Extraordinary and Minister Plenipotentiary of the United States  
of America,

Tokyo.

My dear Sir:-

You were good enough to hold an interview of some length with me in Yokohama, yesterday, on this most unfortunate question which has arisen as to the management of the Doshisha University at Kyoto, and which has come to be known in the public prints on both sides of the Pacific as "The Doshisha Question."

I understand that your interview with me was sought after, and as a result of an unofficial interview had with you by His Excellency the Minister President, Count Okuma.

At the close of our interview I agreed to furnish, in writing, for your information, a statement of the position of the American Committee, with a short historical review of the case, as it appears to American eyes.

Before entering upon this undertaking permit me to say that I appreciate most highly your Excellency's public spirited interest shown in this matter, and that I also appreciate, at its fullest value, the unofficial interest shown by His Excellency the Prime Minister - During a former official residence in Japan I learned to respect Count Okuma not only for his ability, which is admitted on all hands, by Japanese and foreigners alike, but for his absolute integrity, fairness of judgment and fearlessness, qualities not possessed in such measure by all public men, either at home or abroad - I took this feeling of respect with me when I returned to my country and, upon my return to Japan, have re-imported it, and it has been confirmed by your Excellency's own opinions expressed in our interview yesterday. I have been here for nearly three weeks, in a spirit of conciliation, and in the interest of peace, contending alone (except for the advice and counsel of two gentlemen associated with me under the Power of Attorney under which I act), without official assistance of any kind, asked or given, against forces far exceeding mine, both numerically and in weight of

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local influence. You can well understand, then, with what thorough gratification I welcome any expression of interest in the general question, from two such men as your honored self and His Excellency, since it seems to me a foregone conclusion that, upon being made acquainted with the facts on which we rest our position, and the extreme moderation of our demands, you will both feel constrained to give that personal and unofficial support which honest and fair-minded men owe to the reasonable and honest purposes of another.

I therefore hasten to comply with your request by stating as fully as fully as the reasonable scope of a letter will permit, the facts on which we rely and the conditions by which we are surrounded:-

Some years ago Dr. Neesima, a Japanese gentleman who commanded respect and confidence, in America, and whose memory, in my opinion, should command the respect of the civilized world to-day, undertook to found and conduct a school or university in Japsh. He stated publicly (and his whole life and his conduct of the school for fifteen years give evidence of his earnest interest in the statement) that Christianity was to be the foundation of the moral teaching of the institution. Through the generous public spirit of certain broad-minded Japanese gentlemen, of whom His Excellency, Count Okuma, was one, certain funds were raised locally, but by far the larger amount was contributed by or through the American Board of Commissioners for Foreign Missions, in Boston: this contribution was made in full reliance not only on Dr. Neesima's public statements that Christianity was to be the foundation of the teaching of the institution, but on the Board's knowledge of his character and purpose. Dr. Neesima unquestionably remained true to the trust reposed in him to the day of his death, and I may say, with all confidence, that if he were alive to-day this unfortunate issue would not be a matter of discussion, either public or private. Some time before his death, and under his management and direction, a constitution was voluntarily adopted for the final and permanent government of the institution, embodying the principles upon which he understood that he had secured and received all contributions. Subsequent to the taking effect of this constitution and under its guarantees, other and large sums of money were donated by or through the American Board, the total amounting



now, by direct and indirect gifts, to several hundred thousand yen. After Dr. Nesisima's death, while the Board had never asserted any title-holding in the property of the institution purchased largely with the money furnished by them, a movement began to be felt which could have no other explainable object than the entire removal of their influence, and the influence of ~~the~~ principles represented by them, from the institution, and they were made the victims of many resultant wrongs which it is not necessary for me to describe in detail here, my only purpose in referring to them being to say that, in a spirit of Christian charity and conciliation, the Board has, I believe, up to the present time, refrained from making any formal demand, and remained passive, confident in the Japanese ultimate sense of right, until February of this year when the then trustees of the institution attacked and practically destroyed the force of the constitution which, upon taking office, each had supposedly, under its own provisions, taken an oath to support and defend: by this act the broad principles for which our Board stood before the world, as trustees for its large constituency, were overthrown. While the Board has remained inactive on its own wrongs, it felt that there a vital principle had been attacked which it could not ignore, and to which its constituency showed a disposition to call attention as a possible breach of trust on its part, in not carefully guarding its investment of trust funds. In order to meet and dispose of this criticism and to satisfy its own outraged sense of right, I was retained to visit Japan, and make a thorough investigation of the present status of the matter, both as to fact and as to Japanese law; at the same time there were issued to me conjointly with my two associates, the most ample powers, duly certified and sealed by the governmental officers of the Commonwealth of Massachusetts and by those of the Government of the United States, at Washington. Under these powers which are, of course, subject to your inspection, we are fully authorized to effect and close an amicable settlement of all differences, but are also empowered, failing in this, in our discretion, to bring the matter up for formal judicial determination.

It may be well for me to state in some detail what the act of the trustees was, to which reference is made above, and what its effect was from the American point of view:— The Second Article of the Constitution of Doshisha, as promulgated ~~in~~ Dr. Nesisima's lifetime and as still, at the time, in force, provided that no schools should be established or managed



by the Corporation which did not have "Doshisha" in the name and were not under that constitution." Article Six provided that the first five articles of the Constitution were to be, and were, unchangeable (there was no provision that Article Six itself was unchangeable); the trustees of the institution, supposedly under the most sacred obligation to support and obey the Constitution, repealed Article Six and then, with a free hand, cut the life out of Article Two. It is possible that this act of violence was done in good faith by the trustees, but on a misconception of their powers. We believe that the purpose of their act lay in the fact that the Government of Japan had offered certain privileges to educational institutions which should voluntarily comply with regulations promulgated, in which there were provisions, in effect, excluding Christianity from the institution: it was the desire of the trustees to secure the benefit of these privileges for the school: Article Two was robbed of its effective force in the manner above described, and what was known as the Middle School, operating without the constitution, was fostered: the Constitution still applies to other schools of the institution, but the Middle School absorbs the lion's share of the revenues of the Corporation and most of the attention of its officers, bidding fair to increase rather than diminish its relative share of each, as an examination of the reports made by the trustees themselves, will clearly show.

Please understand that we claim to have no right to object to the adoption or promulgation by the Japanese Government, of the regulations above referred to. We recognize the undoubted right of any Sovereign Government to promulgate regulations such as these: compliance with them was not compulsory; they only fixed certain privileges which might be taken advantage of on voluntary compliance with stated terms. I would add that even if the acceptance of these regulations had been compulsory our confidence in the conceptions of justice of the Japanese Government is such that we are satisfied it would not have made these regulations retroactive or applicable to a pre-existent obligation. Objection has been made only to the action of the Trustees, and when that objection had been made officially, by letter, from America to the Trustees direct, it had, for several months, elicited no response.



With all these facts before me and with the powers and instructions above set forth, I landed in Japan on the 22nd September last, and met my associates under the Power of Attorney. We were promptly received by the Trustees, and, in a spirit of the greatest conciliation, have since then, conducted our negotiation. We have made concession after concession until now but one point of demands so far made remains between us and that point is so important both to us and, we think, to the integrity of the institution itself, that to give it up would destroy every purpose of the negotiation; this point - this demand - of ours, which is the sole remaining point touched upon in the negotiations, is simply and only, that a principle or declaration the force of which and the necessity for <sup>the</sup> presence of which, in the proposed new constitution, is freely admitted on all sides, shall be clearly and not equivocally stated.

In opening the negotiation I distinctly stated that it was not my intention to let any technical theological questions come into the discussion nor did we wish to stand on any narrow views of what Christianity <sup>is</sup> ~~was~~. Our first request, (as a matter of right, still considered a just one) was that the old Constitution be restored as a basis for the discussion of changes considered advisable. Recognizing later that this might be embarrassing to the Trustees, ~~was~~, for the purposes of the argument, withdrawn this request, and, ignoring the past breach, proceeded to discuss with them the draft of a new constitution proposed by them. I suggested the <sup>d</sup> addition of a few words in Article One, in the interest of a clearer statement of an underlying Christian principle, (I take the liberty of referring by number, without full quotation, to these Articles, since I am aware that your Excellency has been furnished with a copy of the draft.) After discussion, I withdrew all insistence on this suggestion. I suggested the addition of the words, "in all of its departments," at the end of Article Three. Upon its being stated that it would be more convenient, for reasons to which I do not refer, for the Trustees to enforce the same idea by the insertion of a new Article (Nine,) I withdrew from my suggestion and proceeded to discuss their submitted draft of the New Article, which was in the following form: - "Doshish directors shall not establish schools or engage in any educational work except in the name of Doshisha." I said that



we would not insist on the words after the word "except," but asked that there be added in lieu of them the words "in accordance with the provisions of this Constitution ( these Resolutions ) " Discussion followed in the course of which a modification was suggested by the President personally, to make the phrase read "except not contrary to these resolutions." I very mildly suggested that the latter phrase was not quite so strong as the former, and might possibly be open to the purely formal objection that it made an unnecessary use of a double negative. The Trustees' Committee thereupon retired for consultation with the full body, and my suggestion for the formulation of the phrase was refused and all suggestions made by them for the insertion of any article or part of an article on the subject were specifically withdrawn. I was repeatedly informed at the time of this discussion, and I have received the same statement in writing since, that the Trustees agree with the principle that it was the aim of my suggestion to declare, do not object to my suggestion or its form, and consider it reasonable, but they decline for reasons of policy to accede to it. It is claimed by them that the draft in its present form covers my point sufficiently, and that the provisions of Article Three will apply to all of the departments of the institution. I replied that if the point was covered by the draft in its present form and was in accordance with their views there could be no earthly reason for refusing to make it clear by a positive statement. I am told that this is impossible since, while the draft in its present form, in their opinion, really applies Article Three to all departments established by the Company, it will be acceptable to the Department of Education and that Department's privileges granted to the Middle School will be continued. I replied that if the draft is so loosely worded that the Department of Education can now construe the Christian basis out of the Middle School, it may not take many years for future trustees of the institution to discover the method of this construction and persuade themselves that it may be made to apply not only to the Middle School, but to other departments of the institution. I am now informed, in a letter from the President of the Board of Trustees, that they will not accept my suggestion or consider any other phrase embodying the same idea, that, while they have withdrawn their suggestion for the insertion of any new Article, it is



berely possible that they would be willing to consider an article in the form of that suggestion (requiring the name Doshisha to be used in all departments,) but that the suggestion, even for that, must come from me. I am asked to concede this, the only fundamental point on which we have withheld concession, trusting in the New Civil Code, the Trustees and Providence to see to it that the trust will be faithfully executed, however it may be expressed in this New Constitution:- We do have all faith in the Civil Code of Japan, but the Code of Japan, like that of all other systems, simply gives the right to form a corporation and adopt a constitution which shall become its fundamental law or rule of action, it does not undertake to construe the document in any given way, and no failure in the clearness of its provisions, or trouble arising from the lack of such clearness, can be either charged to the Code or ~~remedied~~<sup>remedied</sup> by it, that obligation - that duty - is, under all systems, ~~laid~~<sup>laid</sup> upon the founders; however much confidence we might have in the Board of Trustees, which from time to time will govern the institution, there is every reason to believe that if we do not provide them with a constitution or rule of action, which is fundamentally clear, they will go wrong, however honest their purposes may be. No one could have trusted more to Providence than the American Board of Commissioners, but we have found, as many another has before us, that Providence seldom helps those who, with due notice of impending danger, fail or refuse to help themselves.

I hope that your Excellency has, by this time, concluded that we have shown a most concessive spirit, and I am afraid that you have reached the conclusion that we have ~~been~~<sup>hardly</sup> met in the same spirit.

I am firmly convinced, not only from the American point of view, but from the point of view of all interested in the permanent success of any corporation, that there can never be any objection to clearness of statement in its fundamental constitution, which is to last for all time, even at the expense of the repetition of an idea which it is supposed may be incorporated in some occult and doubtful way in some other phrase. On this point I argue just as much for the future of Doshisha as for the American donors. I do not see how by any possibility one who, to gain a passing and doubtful present advantage, is willing to sacrifice the honest clearness of a document which is to be for its life, the foundation and rule of all the



acts of an institution, can be considered its true friend.

Your Excellency will see from what I have stated, that I am not "sticking on technicalities," nor raising possible contingencies in the future which may affect the construction of the Constitution; the condition in the school to-day fully justifies the request for clearness of statement: there is there a living illustration of the danger that I fear. I am not insisting on the predominance of a principle - the necessity for that is admitted, nor am I insisting on the adoption of any phrase or form of words of my own construction. I wrote the President some days ago, using the following words: - "While we wish you to understand that we do not insist on any particular form of expression, we are still convinced that it is of vital importance that the Constitution <sup>should make it clear that Christianity</sup> is the basis of the moral teaching of the institution in all of its departments." And these words were before him when he wrote me as I have above stated.

I hardly see how we can avoid the unpleasant conclusion that amicable negotiation has been cut off, and that we are left with the only material demand that we have finally made, ungranted. Our request is, as it seems to us, a most material one, and if it is not granted, the matter is left exactly where it stood when all men admitted that a wrong had been done. I had hoped, most sincerely, that an amicable understanding could be reached and that I could take its results back with me to America; if, however, this hope has failed, the conditions in America and the conditions of my employment are such that I am forced to consider it my duty to my clients to take back a record of our effort for justice and fair treatment even if it is a record made by a Court of Law, and I should have to secure that record even if I were convinced that the judgment would be against us. The real wish of my client is not to have the money which it has sent out to the Doshisha returned, but, since it is a trustee for countless subscribers and has handled their money, it wishes, primarily, a record to show these subscribers that it has not been negligent in looking after their funds or guilty of any breach of their trust under the conditions on which their money was given: and it is my duty, unpleasant as it may be personally, to obtain this record.

Again thanking your Excellency for the interest shown by you and



ing you to be good enough to convey to His Excellency Count Okuma a renewed expression of my respect for him and of my appreciation of the interest that he feels in the Doshisha question.

I have the honor to be,

My Dear Sir,

Your Excellency's Obedient Servant,

*M. W. T. L.*



UNITED STATES LEGATION,  
TOKIO.

大正十一年十月十四日  
大日本郵政

Friday, October 14, 1898

Dear Mr. Mitsuhashi,

By request of Mr. Buck  
I send to you to be handed to His  
Excellency Count Okuma, the enclosed  
communication from Mr. McIvor re-  
lating to the Hoshiha matter.

Please state to His Excellency  
that Mr. Buck took occasion to  
go to Yokohama on Monday last  
in the interest of composing the differ-  
ences between the Trustees of the  
Hoshiha and Mr. McIvor, repre.



senting the American Board, according to the understanding with Count Okuma which he had on Saturday last. Upon closing the interview with Mr. McIvor, having been unable to accomplish much, if anything, by way of modification of his views, Mr. Buck suggested that he, Mr. McIvor, present fully in writing the facts of the case, giving his position and the reasons that he had to sustain him in it, in the same manner as he had in a general way given them to Mr. Buck verbally.

On yesterday Mr. Buck received



UNITED STATES LEGATION.  
TOKIO.

from Mr. McIvor the enclosed communication and thinks that perhaps His Excellency would be pleased to read it. Were Count Okuma not ill Mr. Buck would have called in person with the communication.

Believe me,

Yours very sincerely-

R. S. Miller