

THE DOSHISHA AND ITS CONSTITUTION.

AN OPEN LETTER TO THE TRUSTEES AND FRIENDS OF THE SCHOOL, BY J. D. DAVIS.

[So many Japanese friends of the Doshisha have recently asked the writer of this letter for the facts in regard to the early history of the school, the formation of its constitution, and the way in which the buildings and endowment were committed to the Doshisha Trustees, that it seems best to give the facts to the general public, as well as to the parties most interested.—J.D.D.]

In Oct., 1874, when Mr. Neesima, who had spent ten years in the Christian schools of New England, was about to return to Japan, he made an appeal at the Annual Meeting of the American Board of Foreign Missions, at Rutland, Vt., for money to found a Christian school in Japan. In response to this appeal, about 5,000 dollars was then given by earnest Christian men for this object. The money, however, was placed in the hands of the American Board, in Boston, until their representatives, the missionaries in Japan, in cooperation with Mr. Neesima, should approve of its use for a Christian school. After his return to Japan Mr. Neesima tried for months in vain to get permission to locate the school in Osaka; the Governor refused, because it was to be a Christian school. As it was not thought advisable to locate the school on a foreign Concession either in Osaka or Kobe, Mr. Neesima next tried Kyoto, and finally, in the summer of 1875, he secured permission to locate the school in Kyoto. Mr. Tanaka, the Minister of Education, warned him, however, to be very careful at first in regard to preaching Christianity, until the great prejudice of the people of Kyoto against Christianity and against foreigners should be a little dispelled. As soon as it was known that a missionary had entered Kyoto, and that a building was rented for a Christian school, very great excitement prevailed in the city and the priests sent a strong petition to the central Government to have the evil sect expelled from Kyoto. Mr. Tanaka then sent word to the Governor of Kyoto, advising that until the excitement subsided, Christianity and the Bible be taught in the houses of the teachers, or outside of the school. This was done for about two years, although the Bible was read, hymns sung, and prayer offered in the chapel of the school every morning.

When all excitement had subsided, the Bible was used and taught in the class rooms. Soon after this was begun, an official of the Kyoto Fu visited the school, and, finding that the Bible was taught, complaint was made to the Kyoto Fu. The Doshisha, however, stood firm and refused to yield, giving as reasons the fact that, the excitement being gone, the reason for not teaching the Bible did not exist, and that, since the Bible contained the most perfect system of morality, it was made the foundation of the moral teaching of the school, etc. From this time forward, the Bible continued to be taught in all departments of the school until about two years ago.

At its annual meeting in Kobe, in 1875, the Mission gave its approval for the use of part of the \$5,000, held by the Board in Boston, for the purchase of the land where the main buildings of the school now stand. In June, 1876, at its annual meeting in Osaka, the Mission voted to approve of the erection of the first two cheap buildings for the school, to be paid for from the \$5,000.

From this time forward, with the exception of one or two buildings for the Preparatory Department which were erected with money raised in Japan, the Mission, representing the American Board in Japan, asked the American Board for the appropriations for each of the ten dormitories, for the Recitation Hall, for the Library building, for the Chapel, for buildings for the Girls' School, and those for the Hospital and Training School for Nurses. The money for all these buildings was given by the American Board from funds contributed by earnest Christian friends in America for missionary work, and the buildings were erected under the superintendence of the missionaries on the ground, in consultation with the Doshisha.

It was distinctly understood by the American Board and by the Mission from the beginning, that the American Board had no legal claim upon this property, because foreigners could not hold land in Kyoto. For this reason a Company was formed to hold the property. The first Constitution was short. The first article stated that the Trustees, as they have always been called in English, who were the Company, should hold the property and see that it was used for the maintenance of Christian schools, and that they should have charge of all business arising between said schools and the Japanese Government.

Another article said that money contributed by the American Board should be expended under the direction of missionaries of the Board, after consultation with the President and Japanese teachers of the school. In the summer of 1887, some of the missionaries on the ground felt that it was desirable to perfect an arrangement whereby the financial management of the school could be placed entirely in the hands of the Japanese friends, and a committee was appointed by the Mission to confer with the Doshisha with this end in view. The whole matter was discussed by the Trustees and this committee of the Mission, and the present Constitution was proposed and finally adopted.

It had been understood from the beginning that only Christian gentlemen should be members of the Board of Trustees, and the first five articles of the present Constitution, in which Christianity is declared to be the foundation of the morality taught in the school, were made forever unchangeable. Chapter second of the Constitution refers to the Trustees, their number, etc., and declares that each Trustee

on his election must make the following solemn promise: "I promise to labor for the interests of the Company in accordance with its fundamental principles."

With these three safeguards, Christian Trustees, their solemn promise to labor for the interests of the school in accordance with its fundamental principles, and with Christianity made the unchangeable foundation of the school, the Mission and the American Board, on being consulted, were satisfied, and gave their approval to the Constitution, and then for the first time the American Board consented to pass the financial management entirely over to the Trustees of the school. However, three members of the Mission, nominated by the Mission, were made corresponding members of the Board of Trustees, to give their advice in reference to all matters pertaining to the school and its finances.

This committal of the management of the school into the hands of the Japanese Board of Trustees was made in good faith, with no expectation of ever receiving it back, but in the belief that this Christian Board of Trustees would be perpetuated and would hold the school true to its original purpose and to the desire of those who had invested their money in it, not for a few years only, but for many hundred years.

Every dollar of the nearly three hundred thousand dollars which were given by the American friends of the school during twenty one years, was given because of the assurance which Mr. Neesima made at the beginning and reiterated in every appeal sent forth later, whether in America, or in Japan; that it was to be a Christian school, and because this same fact was made one of the fundamental and unalterable principles of the Constitution. Without these assurances, the money for the expensive buildings would never have been given; without these, Mrs. Clarke would never have given her \$11,500 for the Theological Hall; without these, Mr. Harris would never have made his munificent gift of \$100,000 for the Science School. A letter is on file which was received from Mr. Harris after he had made his gift in which he speaks of the great satisfaction he has in having made this gift, because the Science School, in common with the whole of the Doshisha schools, rested on a Christian foundation which by its Constitution is unchangeable.

In December, 1895, when the Deputation of the American Board to Japan were about leaving on their return to America, President Kosaki, for the Trustees of the Doshisha, sent them a letter in which he asked them to have confidence in the future management of the school by the Trustees, and gave as one reason the fact that the fundamental principles of the Constitution were for ever unchangeable, and that they would administer the school in accordance with those principles.

When Mr. Harris made his gift of \$100,000, the question arose whether he should place that endowment in the hands of the Trustees of the Doshisha, to be held by them in trust for the school, or whether he should place it in the hands of the American Board, in Boston, to be held by them in trust for the school, they sending the interest each year to Japan. Mr. Harris was at first in doubt and inclined to place it all in America, but some of the missionaries of the American Board in Japan, the writer among the number, wrote to him, calling his attention to the unchangeable articles of the Constitution of the Doshisha, and advised him to trust the Japanese and place the endowment in the hands of the Trustees here in Japan. The result was that he sent \$75,000 to Japan and kept \$25,000 in the United States.

The Doshisha is not a joint-stock company; if it was and the present trustees had themselves contributed all the capital of the Doshisha, they could by a unanimous vote, perhaps by a large majority vote, change the fundamental principles of the Company. But the Doshisha is not a joint-stock company. It is a trust company. The Trustees have not contributed the money. The money for nearly all the land and buildings, and a very large proportion of all the endowment funds which are in the hands of the Trustees, have been contributed and placed in their hands by earnest Christian men, for the purpose of a Christian school, a purpose which was declared from the beginning, and which was put into the Constitution as unchangeable. Even the endowment funds for the Department of Jurisprudence, which were raised in Japan, were given after the school had an established reputation everywhere as an earnest Christian school, and in response to printed appeals in the Japanese language in which this fact and purpose were clearly stated.

The Trustees of the Doshisha simply hold these buildings and this money which is thus committed to them in trust for the donors.

It is a sacred trust. They have no right to change the purpose for which the funds were given, or to change the fundamental principles of the school, without the consent of all the parties concerned. The real Doshisha is and always has been far broader than the Doshisha Company—the Trustees. It comprises within it all the Japanese and foreign friends who have contributed to the funds of the school. In one sense, it includes all the graduates of the school, and the Kumi-ai churches which have prayed for it all these years, to say nothing of the broader circle of Christian churches in Japan which are so vitally affected by any fundamental change in the Doshisha school.

In the case of such a public trust, be it hospital, asylum, or school, which has once been started in accordance with the expressed wish of the donors, it is doubtful if any court of equity would recognize the legality of a change of the purpose or of the fundamental principles of the institution even with the consent of the donors. What would a court of equity say to the question of the change of the purpose or of

the fundamental principles of such an institution by the Trustees without consultation with, or the consent of, those who committed the funds in trust to the Trustees?

It is true that, being foreigners, who could have no legal property rights in Kyoto, the American Board has from the beginning waived all claim upon the property of the school, and has trusted the Japanese Trustees, believing that, in consultation with their representatives, the Missionaries in Japan, those Japanese Trustees would faithfully administer the funds and conduct the school during all the future in accordance with the purpose of its founders as a Christian school.

Their aim has not been to make the school simply a tool for the propagation of Christianity in a narrow way, or simply to train preachers of Christianity. The American Board and the Mission have been in sympathy with the broader purpose of Mr. Neesima from the beginning, realizing that Christian teachers, Christian lawyers, Christian statesmen, Christian judges, Christian physicians, Christian merchants, etc., are just as necessary for the building up a solid and lasting civilization in Japan as are Christian preachers. Thus, the hope of all connected with the school during the most flourishing period of its history, the hopes of its founder, of the Mission, of the American Board, and of the earnest Christian teachers both foreign and Japanese, who worked side by side harmoniously in and for the school during many years, was that all the young men who entered would come under "the living and powerful principles of Christianity," to quote from Mr. Neesima's appeal which was published in twenty of the leading newspapers of Japan, and that they would go out into Japan, as the best and most loyal citizens of their country, and as faithful earnest Christians in whatever position they were called to fill.

It should also be said that some two years ago, the relation previously existing between the Doshisha and the American Board ceased, and the American friends have ceased adding to the funds they had already committed in trust to the Doshisha. This was contemplated from the beginning. The American Board is only helping Japan in these ways, temporarily. It expected from the beginning to cease its aid sooner or later. In the case of the Doshisha it came sooner than was expected, but when friends have put some hundred of thousands of dollars into the hands of Trustees or a Company, committing the funds to them to use for a specific purpose, which purpose was embodied in every appeal which was made for the company, and which was also put into the fundamental principles of the Company and declared to be for ever unchangeable, have those Trustees or members of the Company who have received this sacred trust, no obligation to respect the wishes of those donors, nor to keep the fundamental principles unchanged, simply because the original donors have ceased to put any more stock into the Company? To ask this question is to answer it. Having come to Kyoto with Mr. Neesima at the beginning, and having been thus connected with the school for twenty one years, and having been all these years one of the representatives of the many thousands of earnest Christians in the United States who have given their prayers and their money to the school, and who are now mourning its defection, and having myself again and again appealed to the American Board and to those friends for money for the buildings, for the yearly grant in aid, also to Mr. Harris and to Mrs. Clarke, the donor of the Theological Hall, I can do no less than state the above facts in reference to the founding of the school and the formation of the present Constitution.

The writer cannot close without an appeal to the Trustees and friends of the Doshisha, for he feels sure that unless this recent action of the Trustees is reversed, and the school brought back to its original foundation, it will not only seriously affect the Doshisha, which can compete with the government schools only in one thing, namely, its Christian morality, but that it will also seriously affect Christianity in Japan, and, still further, that it will damage the reputation of Japan, as a whole, with Western nations. The Doshisha is a household word throughout the length and breadth of the United States, it is known more or less widely among many of the nations of Europe. The writer is glad to see the protests which are appearing, not only from the Christians of Japan, but also in the secular papers. The more of these protests the better for the reputation of Christianity and of Japan. The writer feels, however, that nothing less than a radical change in the present Doshisha can save the school, and Christianity in Japan, and the reputation of Japan, from serious injury.

For these reasons, and because of these convictions, the writer makes bold to appeal to the Trustees of the Doshisha, to its alumni, to the Kumi-ai churches and the other churches in Japan, and to all the friends of the school, to restore the school to its original foundation and spirit, to give it a Board of Trustees composed of earnest evangelical Christian men, who shall be elected for a term of years, instead of for life, subject to reelection, and to place the appointing power of the Trustees in the hands of some responsible body of men who will command the confidence of all interested in the school.

For example, if one half the Board were elected by the Sokwai of the Kumi-ai churches and one half by the general triennial Conference of all the evangelical Christians in Japan, all the friends of the school, Japanese and foreign, Christian and non-Christian, would have confidence in the school. After all that has happened, the writer feels sure that no compromise or change less radical than something like that indicated above can restore confidence in the school or give it lasting success.



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大隈重信殿



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