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P. M. S. S. "Orionian"

At Sea 20th of November 1874

His Excellency Okuma Shigenobu  
Chief of Banchu Simukiotu

Sir-

I have the honor to submit to  
your Excellency the following views in regard to the  
protection of those persons, resident in Southern  
Formosa who have been friendly to us, from mo-  
lestation on the part of the officials claiming  
authority over them after the evacuation of the  
country by the Japanese forces.

Good faith, which of course is an absolutely nec-  
essary element in all agreements or conventions  
between nations as well as individuals, demands  
that upon the conclusion of such agreements all  
matters connected therewith and not definitely  
stipulated for, should be considered as settled  
and set at rest and consequently that all parties  
or persons concerned therein should be entitled  
to all the immunities and privileges either tacitly  
or expressly accorded by the terms of the Contract.



Under the law of nations all agreements are interpreted as covering all matters which are manifestly proper to those subjects provided for in express terms, and therefore if the right of Japan to punish the murderers of her people in Formosa be conceded, then equally the participation of any persons in the necessary operations must be held as blameless. In the present case however, it seems more than probable that, whatever injustice may be done, will not be in open violation or evasion of the implied terms of the Convention but under some pretext entirely foreign to the subject and therefore the persons exposed to it are all the more entitled to aid and protection. It is the received law that Military and Naval Commanders under certain circumstances, not in virtue of any Special Authority but in the exercise of a general power conferred to them, are authorized to make certain stipulations upon the evacuation of a territory, and it seems to me to be clearly within the province of General Saigo to make certain supplemental agreements with the Chinese Commander or Commissioner

which will ensure the security of those persons in Formosa who have been friendly to us or who have accepted service in the Japanese forces. These agreements should however be simple and solely for this express purpose as anything else would be out of the scope of his authority and would, under the law, require ratification by both governments.

Whether such stipulations are, or are not made, the Chinese Government is equally bound by good faith in either case to refrain from any act tending to the unjust persecution of the persons referred to, and such an act would be a direct infraction of the Spirit of the Convention of Peking. But as unfortunately it seems to be a well known fact that good faith is not an element of the Chinese character and particularly that it cannot be relied upon in the officials connected with the Government of Formosa, I shall, if it meets with the approval of Your Excellency, advise General Saigo, in addition to any military agreement he may make with the Chinese Commander, to leave an officer in the vicinity of Sialiao or Liang Kan after the evacuation of the

Island who will be able to report to the Japanese government any facts which may occur in regard to the ill treatment of the friendly aborigines or half-caste inhabitants of the Liang Kan Valley who have served us.

It will not be necessary to make the presence of this officer imply any distrust of the Chinese officials but, as the territory of the South of Formosa may be held as not open to foreigners, it might be made a matter of agreement between General Saigo and the Chinese officials that upon quitting the Island he will leave an officer to investigate and report upon any claims which Chinese subjects in the Island may have against the Japanese. I would also strongly recommend that a vessel-of-war be kept for a time in the vicinity of the Island, the Commander of which should be instructed to make occasional visits to the ports and anchorages where our operations have been carried on, but the greatest care should be taken by both this officer and the one left at Liang Kan not to confound complaints of ill-treatment of an ordinary character with those which may arise

Solely and purely from the fact that the individuals making them have served or been friendly to our people.

These simple measures will, I think, be all that is required to secure the desired end, since it seems only necessary that the persecution of any of these people, on account of their relations with the Japanese, should be made known to secure their ample protection; either by representation to the Government of Peking of the violence done to the Spirit of the late Convention, by giving asylum to the sufferers on board the vessel of war, or by other means of which it is not now necessary to speak.

I feel exceedingly sorry that I was unable to forward this letter to Your Excellency before my departure from Yokohama but, as you know, my time was extremely short and I was not able to accomplish anything more than the simplest preparations for my voyage.

If Your Excellency approves of what I have written, may I ask that I may be telegraphed at Nagasaki to that effect, and at the same time, of any further orders or suggestions

upon the subject which your Excellency may be pleased to give.

It is not improbable that certain questions of detail may arise in the matter of which it is impossible to speak clearly at this time, but your Excellency may be sure that I shall confine myself strictly to the letter of the law in any matter in which I may be required to assist and shall use every endeavor to accomplish the duty which has been entrusted to me.

I have the honor to be  
Your Excellency's obedient servant  
Wm. Pasfussel  
A. S. Majesty's Service

D. G. Cassel  
P.M. Breman

20<sup>th</sup> Nov 1874

Costs protection  
of Reservoirs of  
Southern Forestry

*[Faint handwritten notes and calculations, possibly a ledger or account book, covering the left and middle sections of the page.]*