

Postcard

19. Tokuzi - November 12, 1893.

My dear Count Okuma:

Since I had the pleasure of visiting you, I have again read the judgment of the Shanghai Court, in the Chishima case, and I see that there are certain points to be considered which are much more serious than I first thought. As this case will become a very important public question, you will permit me to tell you what has occurred to me on looking closely into it.

It seems to me, in the first place, that the Government of Japan is in an extremely awkward and difficult position, from which it will have great trouble in extricating itself, no matter how it may act. By bringing this suit in a British Court, it has enabled the Judge to give a decision on an imperial question which never should be submitted to the opinion of foreigners. It is the duty of this Government to hold and maintain that the Inland Sea is within the territory of Japan; and it is most unfortunate that the power to declare a contrary view should ever have been given to a foreign tribunal. For the consequences may be injurious to the last degree. I believe the Government means to appeal the case to the Privy Council. But if it does this, it will actually acknowledge the right of the British Privy Council to decide what the territorial possessions of this Empire are. It appears to me that

nothing could be more shameful or humiliating than this. Even if the Privy Council should decide that the Inland Sea is an exclusive possession of Japan, and that it is not a maritime highway, the nation would still be disgraced by the admission that such a question could be properly determined by an English authority. It will be a most dangerous precedent. To my mind, it would be better ^{to} fight for the control of the Inland Sea than ever recognize the power of a foreign government to pronounce upon a matter which touches so nearly the dignity and honor of the Empire. If a British Privy Council can decide as to the privilege of Japan to govern her own waters, then the independence of this country is at an end. Worst of all, her independence will be voluntarily thrown away, if the question is carried to the Privy Council without the positive proviso that the Japanese Government will refuse to recognize any theory that the Inland Sea is a highway of nations. But I do not see how the difficulty is to be overcome, fully and entirely, by any amount of precaution. As I have said, the Government is in a painfully awkward position. I believe that the Privy Council of Great Britain has as much right to decide whether the Emperor shall command his army and navy, or build fortifications, or choose his own Ministry, as to give a formal judgment as to the control of the Inland Sea. But, so far as we can learn, the Japanese Government proposes to ask the Privy Council to do this thing. I earnestly hope that the

The purpose will not be carried out, except upon the most rigid conditions for the preservation of the national honor. Japan has made many ruinous mistakes in the past, but the time for such mistakes has ^{long} gone by. It is impossible to calculate the harm that might ensue from acknowledging the right of the Pring Council in this matter. For one thing, when the Treaties are revised, England could say that Japan had formally surrendered her authority over the Inland Sea, and could demand that a ~~clause~~ clause be inserted in the new Treaty declaring that the territorial right was given up, and that the Sea should henceforth be the common property of all nations.

It is unfortunately true that Japan has been careless in past years, and that steps ought to have been taken, long ago, to demonstrate her exclusive power in the Inland Sea. Some-thing was done when the proclamation of neutrality was issued, at the time of the war between France and Germany, in 1870. The Government then asserted a certain claim over the body of water in question, but the measure was not sufficiently definite, I fear, to meet all requirements. But that pro-clamation could probably be now used with considerable, if not with conclusive effect. Moreover, though Japan has neglected many things which were essential to her safety, it is not true that any circumstances ever occurred that would justify Judge Stannett's assertion that the right to pass through the Sea has been "admitted" by the Government.

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of Japan". I think that statement is false. The Government may have omitted to establish its own right, but it never conceded any right to other nations. It has permitted other nations to enjoy a certain privilege, but I do not believe that this permission can be perverted into an acknowledgment that Japan has surrendered her authority, or her power to cancel the permission, if she thinks fit. If England, or any other nation, should attempt to claim that Japan had forfeited her control, I believe that Japan's ~~only~~ plain duty would be to declare war, rather than submit. It is certain that the independence of the Empire would be sacrificed, if the right to govern the Inland Sea were relinquished.

As this whole question will soon become prominent, I venture to offer the above suggestions, which may be worth some attention from those who interest themselves in the subject.

I am, with respects and best wishes,

Yours Sincerely
E. H. House.