

Ko ihi Hawaii, 21 January 1879.

Your Excellency,

Your Excellency knows well under what circumstances in 1874, I came to place myself in a state of hostility with Mr Seward in Shanghai and Mr Bingham in Tokio. Many times since, I have been urged by persons, who commanded my respect, to desist from my course, but I resolutely refused to yield to their advice. For feeling that I was merely pleading for my right, and that, by my persistence were even to bring a rupture with my dearest friends and relations, I should fear nothing as to the result, as, after it, I would have nothing to repent of.

I was still of this mind when, a few months ago, statements, supported by substantial proofs and throwing a new light upon my case, were placed before me. It was shown, to my satisfaction, that although Mr Seward must continue to bear the responsibility of my arrest at Amoy, still the gravity of his offence is mitigated by the fact that it did not proceed from deliberate malice or unpardonable ignorance. In the matter of my arrest Mr Seward was influenced and, I may say, deceived by certain communications officially made to him by Mr Bingham at the request of the Hawaiian Government whose members, at the time, doubtless failed to see the evil consequences their action would have.

I will now proceed to explain, in detail, how this happened.

From documents said to be on record at both the U. S. Legation in Tokio, and the Department of State in Washington, and also from correspondence in my possession, it is apparent that, on or about the 16th of April 1874, Mr Terasima, unaccompanied by any interpreter, called upon Mr Bingham at his Legation in Tokio, and, there, expressed himself to

The effect that, although his knowledge of English was imperfect, if Mr Bingham would speak slowly, he felt sure of understanding him. In the interview that followed, Mr Terastina gave Mr Bingham to understand that it was the united desire of the Japanese Government that Americans be prevented from taking part in the Expedition. On behalf of his associates, he requested Mr Bingham to restrain them from proceeding. This Mr Bingham declared himself unable, or unauthorized, to do by arbitrary means. But, yielding to representations made by Mr Terastina, he consented to use such methods as were in his power toward detaining his countrymen.

The task Mr Bingham had undertaken was a difficult one. He knew fully well that while, at all times, it is to be desired that the international duties of the United States toward belligerent nations should be enforced in the East as strictly as they would be in the West, still the United States Minister at Yokohama had no right to put any unnecessary restriction on the liberty of the American citizens that were connected with the Japanese expedition to Formosa. For unless war existed between China and Japan at the time the Americans had been enlisted in the service of Japan, or an immediate purpose of war with reference to which these enlistments had been made, the enlistments were not in violation of the external duties of the United States, or of its laws, and he was aware that when these enlistments were made, peace existed between China and Japan (Mr Fish to Mr Bingham, June 6, 1874, no 437). Therefore to carry out the plans of the Japanese Government it was necessary that while, morally, Mr Bingham would violate the law, still technically, he should carefully keep himself within its bounds. This he tried to accomplish by leading everyone around him to believe, through a series of ambiguously worded documents that he considered the connection of Americans with the expedition, unlawful, and that he was prepared to secure their withdrawal from it by the very means which,

as he had just informed Mr Terastina, he was unauthorized to resort to. It was then that, acting probably in concert with Mr Terastina, he served his protest upon that gentleman and issued certain notices to Messrs. Cattle, Watson, myself, and the Agent of the Pacific Mail Steam Ship Company (18 and 19 of April 1874).

In this position Mr Bingham considered himself quite safe from the consequences of the moral violation of the law he had committed; for technically, he was in order under the Statutes, and if, afterwards, the Americans connected with the expedition complained that they had given up their position under the Japanese flag, because of his protest, he could fall back on the Government to the orders of which they were subject, and at whole request he had issued it; and if they said that it was in compliance with the notices he had served on them, he would argue that these notices were merely advisory and not imperative. With the Agent of the Pacific Mail Steam Ship Co he was still more careful. His notices to Messrs Cattle, Watson and myself were so ambiguously worded that, to a careless reader, they would appear imperative. But in his letter to the Agent of the Company, Mr Bingham assumed the tone of a very humble advisor. "I respectfully suggest — did he write to him — "that you notify your officers, by telegraph at Nagasaki, not to proceed to Formosa until further orders. This course I think essential to the interests of your Company." But in what respect this course was essential, he did not indicate, except by mere reference to his protest. In his official correspondence with the Cabinet of Washington, Mr Bingham stated that the Agent of the Company had applied for the detachment of the Steam Ship New York from the expedition; and in fact, I know that, on receipt of his letter the Agent asked for such detachment. But Mr

Bingham

Bingham never made any mention, in his correspondence with the Secretary of State, of the letter from which I have just quoted and whereby the Pacific Mail Steamship Company were induced to throw off their charter. The fact the Minister had many reasons for not wishing it to be known by any one, save the Company's Agent, that he had ever written such a letter. If in that case, he kept back part of the truth from the 'American' Government (See Mr Bingham to Mr Fish, April 23 and 24, Diplomatic Relations for 1874, pages 675 and 681), it was because he did not wish his superiors to have too ample means at hand to scrutinize too deeply into his proceedings. In fact it has never been ascertained what explanations he gave of them in official quarters in America; and I have reasons to believe that, on many other points of importance besides the matter of the Steamship New York, these explanations were incomplete. His own safety called for this reticence. For, considered as the act of a Minister of the United States, his whole conduct in connection with the Japanese expedition to Formosa, was, to say the least, extremely irregular. This view of his case is founded upon the opinion of the American Secretary of State. If Mr Fish does not tell us in plain words, that Mr Bingham was not accredited to the Court of Tokio to transact the business of His Majesty's Secretary for Foreign Affairs, at least he makes no secret that, in no case whatever, the acts of a U.S. Minister abroad can be supposed to be to the detriment of American law but enterprise; and American law but enterprise in Japan could not but have been injured by the detachment of both the Steamship New York and the American Consul and others from the expedition. Another motive for Mr Bingham to keep his letter to the Agent of the Pacific Mail Steamship Company, from public gaze, was that this document, wording was apt to betray his true feelings regarding the right of Americans to maintain their connection with the expedition, and we know that, above all, he wished Mr Callie and others to be convinced that he was not disposed to concede them that right. He was so anxious that his letter should ever remain a private document, that he

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marked it "private" and besides, wrote on the envelope "personal and private". So long as the Agent remained in charge of the affairs of the Company Mr Bingham's letter was kept in the Agent's view strong box. When he left the Company, he took it away with him. I firmly believe that up to a very late date, when, with much difficulty, I got possession of it, that letter had never left the hands of the person to whom it was addressed. Certainly neither the United States Minister in China, nor the consuls there, or in Japan, ever saw or heard of it. When Mr Bingham wrote to Messrs Mangum in Nagasaki, Seward in Shanghai, and Williams in Peking, that Mr Center had detached the Steamship New York from the Expedition, he carefully avoided explaining the circumstances under which this had been done. He merely forwarded them copies of the documents he had issued on the 18 of April, viz: his protest and notices, besides in general terms urging upon them the necessity of enforcing the neutrality laws; but he never plainly said, in these letters, that, in his opinion as a celebrated expounder of the American law and as a Minister of the United States, the connection of Americans with the Japanese expedition, was in violation of the Statute. What led Mr Seward & others to believe that this connection was unlawful, was the fact that Mr Bingham referred to the protest he had issued on the 18th of April, and to the notices he had served upon Americans in the same letters in which he recommended the United States officers to enforce the laws of neutrality. If, in reply to these communications, these officers had asked him point blank whether the connection of the Americans with the expedition was in violation of the law, he must have replied that it was not; and if, then, the question had been made, why he had issued his protest and served his notices, Mr Bingham doubtless would have had to reply that it was because of the request Mr Terasima had made to him on the 16 of April. Mr Bingham knew very well that neither Mr Seward nor Mr Williams were legal men; he felt certain also that they had no knowledge of what had passed between himself and Mr

Mr. Ceramics, and, therefore, that, acting under the circumstances we have just explained, upon hearing of the sudden departure of the expedition from Nagasaki with Wallow and Call, they would try to prevent these officers from continuing to serve with the Japanese, and that is just what happened.

Mr. Seward received Mr. Bingham's letter of the 18 of May, on the 30th of the same month, and Mr. Williams got his on the 5th of June (Diplomatic Relations for 1874, page 691). On the 5th of June, Mr. Seward replied to the U. S. Minister at Tokio: + + + "I have sent appropriate letters to the Consuls in China embodying the information contained in your Despatch and saying that I think that the steps which they may take to discourage or, within the provision of the law, to prevent our people from taking part in such expedition, will meet with the warm approval of our Government." That the officers whom Mr. Seward had, thus, addressed were not slow in answering the call made upon them, is shown by their demeanor with the expedition from the time they received his warning. Before the 1st of June they had been exceedingly friendly; but, subsequently they became bitterly hostile to the Japanese enterprise. The notification of the American Consul at Amoy threatening to withdraw the American protection from those of his countrymen who would remain connected with the expedition, is dated 6th of June, as also his letter to the commander of the U. S. gun-vessel stationed at his port, asking for his cooperation. On that day, Mr. Seward had, probably, telegraphed to the Consul the substance of Mr. Bingham's communication. Upon that day also inquiries were made by telegraph, from the American Admiral in Japan, by U. S. naval officers in the Formosa waters, as to the course they should pursue (Diplomatic Relations for 1874, page 691). Finally, I was arrested in Amoy on the 5th of August following.

On the 5th of June previous and doubtless upon receipt of Mr. Bingham's communication alluded to above, Mr. Williams, the U. S. Charge d'Affaires at Peking, had written to Mr. Henderson, the U. S. Consul at the port where I was arrested: + + + "Even if these men are employed in the military service of the Japanese, that does not permit them

them to engage in what, now, must be regarded as an unlawful proceeding if it is not really a filibustering expedition. This being the case, as far as I am informed, I wish you as soon as you can, to warn Merritt Call, and Wallow + + + and require them to desist immediately and retire from the expedition under penalty of arrest and trial for these acts" (Diplomatic Relations, 1874, Enclosure 2 in letter of 6/4). We have seen how shortly and promptly the person to whom this letter was addressed, applied to me Mr. Williams' interpretation of the law.

In his letter of the 18th Mr. Bingham had requested Mr. Williams to communicate also with the Tsung Li Yamen, and we know from Mr. Williams' correspondence with Mr. Seward, that Mr. Williams had done so, and moreover that he had succeeded to convert the Chinese Ministry to Mr. Bingham's views. For, on the 8th of June, he wrote to the Consul General: "The Chinese Government have exhibited so much hesitation in their action that they have missed the full effect it would have had upon the local officers as the port of the latter had early been informed how the expedition was regarded." Now if the Cabinet of Peking did not look upon the expedition in the light of an unlawful enterprise before meeting Mr. Williams early in June, how did they regard it after that interview? Mr. Williams' letter, just quoted, already furnishes us with considerable material for replying to this question; and the rest is found in Mr. Henderson's despatch to the Assistant Secretary of State of the 3rd of June, 1874 (see Foreign Relations for 1874, page 315). In his letter, Mr. Williams had said that, before June, the Government at Peking hesitated to act with regard to the Formosa expedition, but, why they hesitated, he did not say. To this Mr. Henderson replies, because, up to the early part of June, they had considered Formosa as being part of their Empire. The following are his own words: "Until I received the Tontai's letter on the subject, a day or two ago, I was not aware that China claimed the savage territory at all and had been so informed by a high officer in her service." And I have since ascertained that this high officer was no other than the Admiral in command in Southern China, that is an officer having the greatest powers and whose duty it would have been to defend the territory invaded by the Japanese, had it been part of the Chinese Empire. And

thus is proved that the cabinet of Peking would have continued to hesitate interfering with the Japanese expedition, had not Mr Bingham, acting as the secret and confidential Agent of the Japanese Government, led them through Mr Williams, to change their mind.

Now while Mr Bingham was thus trying to influence the course of the Chinese Government, on the 27 of April, Your Excellency, General Saio and the late and much lamented Mr Okubo were ordering me to proceed, at full speed, to Tokio to counteract what was, then, called Mr Bingham's intrusion in the affairs of Japan. From Mr Sanjo's letter brought to Your Excellency in Nagasaki by Mr Kanai Gonshonari, on or about the 27 of April, I must consider your Excellency & your colleagues in Nagasaki were ignorant of what had passed in Tokio between Mr Teratima and Mr Bingham on the 16 of April. As it was, my interview with the U. S. minister was without the desired effect. The fact Mr Bingham declined to discuss with me his reasons for so doing, practically unanswerable, being that he knew of but one person in Tokio with whom he was authorized to confer upon matters concerning Japanese politics, and that was His Majesty's Minister for Foreign Affairs, Mr Teratima (16th of May). It was then that, in self defence, and in the defence of what I was told were the interests of the Japanese Government, I endeavored to effect in the United States what I had just failed to accomplish in Tokio. And through my friends in the Government Council in Washington, in the press and in Congress, I endeavored to resist and expose what, then, I felt justified to call Mr Seward, Williams and Bingham's unlawful and unwarranted interference. These efforts have been partially recorded in a book written by Mr Haule and printed, by Your Excellency's order at the Government's printing office, in April 1875. But as might well be understood now, like a mad man who fights a phantom, I failed in my aim, all the blows that I directed rebounding on myself; and the more vigor I displayed in striking them, the more harm I did to myself, for the more enemies I made. This went on till, lately, when, as I have recorded at the beginning of this letter, I was made acquainted with the true circumstances of this most strange case. Then, seeing that some of those by whose words the action of the American official had been instigated, were not of the Councils of the Sovereign of the Country, of which I am the guest, my hand fell on my side, and after carefully pondering in my heart, all the facts above recorded, I concluded to address your Excellency.

It is not my present purpose to utter any words of anger against any one. Neither am I seeking for compensation

redress from His Majesty's Government. What I want to ask them is merely to aid me in healing the wounds that I have received in their service and which, owing to the ignorance in which, for over three years, I was kept of their true nature, I have taken the wrong course to close. In making this fruitless attempt I have spent much of my time and means; and I feel that I should not undertake my new task without support. Of course my only resource is now to spend a few months in Washington and other places in America, visiting persons of influence and, if possible, regaining their friendship; so that at the next presidential election, that is in two years, I may come forward with a fair chance of meeting with success in seeking for my share of official patronage. I intend to leave on the 10th of February by the Steamship Oceanic, and to be absent five or six months, perhaps less; after which I intend returning to Japan.

The expense of this trip which I should desire the Government to defray, would merely amount to the payment to me of sums which were withdrawn from me when I was in Government service, and under the following circumstances:

1°. When I received my commission in the Japanese Government my salary was fixed, through the United States Minister, at twelve thousand years. At Mr. Sasaki's retirement, it was paid in gold, but afterward, it was settled in paper and, thereby, the Government, I was glad to see, made a large saving. This was accomplished exactly as has now been done for four years with Mr. D. W. Ap. Jones. However other foreigners in Government service having declined to submit to this mode of payment, the justice of their claim was promptly recognized by the paymaster, and I doubt not that if I had likewise called for payment in coin, my request would have been complied with also. But I did not wish to complain; and neither do I wish it to be understood that I am lodging a claim now.

2°. I have no record of the reply your Excellency may have made to my despatch of the 21 of October 1875; and inasmuch as your Excellency was sick for many months after receiving that despatch, I had no opportunity of conversing with you about it before making my final settlement in August 1876. This settlement I do not consider

to have been made in conformity with the terms agreed upon in my interview with your Excellency, of the 18 of October 1845, as recorded in my despatch of the 21 following, alluded to above; and thereby, as both public records and vouchers can show, the Government was the gainer by several thousand of dollars. Besides no provision for return expenses to the United States was made. Without my knowledge my Secretary claimed against this settlement; but thinking that, perhaps, it would be bad taste to press the matter, I directed him to keep it in abeyance, and it has not been reverted to. Since

Now that I am about to come to a close, I must beg your Excellency to pardon me if I have brought such subjects forward. But in view of my present object, I was compelled to do so. I know how difficult your Excellency's position at the head of this country's financial affairs is, and I felt that it was necessary to show you that a compliance with my application, practically, would be no hardship whatever on the treasury. Your Excellency will understand that it would be hateful to me to think that my career must stop short at this time of my life. I have heavy responsibilities weighing on me; and now that my field of remunerated activity in the service of Japan, has come to an end, I must prepare for the time when it may extend in a new, useful and profitable direction.

I remain, Your Excellency's

Most humble obedient servant.

Ch. W. Leffendre

His Excellency

Okuma Shigenobu

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M. M. Y. M. | Consul of State

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