

ANNEXE TO PROTOCOL No. 15.

To SIR HARRY S. PARKES, K.C.B., G.C.M.G.,

Her Britannic Majesty's Envoy Extraordinary and

Minister Plenipotentiary in Japan.

Doyen of the Corps Diplomatique.

SIR,

The memorial of the undersigned, residents of Yokohama, shows as follows:—

That the necessity of a recognized and enforceable system of municipal government has been long felt by the senior residents, nearly all of whom are land renters. They are of opinion that the numerous abuses which have grown up, the inefficiency of the police force, the very defective, dangerous and unwholesome state of the roads and drains, the unhealthy condition of the settlement, the practice of permitting the occupation of foreign property by Japanese subjects of the lower class while excluding bankers and others, the disreputable taverns and brothels visible in many parts of the town and bluff, and the disgraceful brawls which frequently occur in the streets, arise from causes for some of which the Japanese local government, now supposed to be entrusted with the control of the settlement, cannot justly be held responsible. We, the memorialists, therefore beg to ask your advice and assistance for the formation of some system which shall enable the land renters to have a voice in the control of their settlement, in order that they may relieve the Japanese local government of a large measure of responsibility, and by the exercise of a prudent economy materially reduce the cost of efficient, in place of inefficient, control of the settlement.

We are not unmindful of the difficulties which surround a question of this sort, but we are of opinion that unless these difficulties be obviated for the future the condition of the settlement will become worse, and a still larger decline in the value of property be established.

We gladly acknowledge the many efforts made by the Japanese local government to administer our affairs to the best of their ability; but we are disagreeably impressed with the heavy cost of that administration, and its very unsatisfactory results.

Having given this matter our earnest and careful consideration, we beg leave to state here, as briefly as possible, our present situation; the abuses which have sprung out of it, and the remedy which might be applied.

The foreign settlement of Yokohama contains a population slowly but steadily increasing. The latest trustworthy return available, that furnished by H. B. M. Consul dated June 20th, 1881, shows the residents of each nationality to be:—

British	567
Austro-Hungarian	6
Belgian	11
Chinese (exclusive of those in foreign employ)	2,505
Danish	12
Dutch	51
French	102
German	200
Italian	14
Portuguese	45
Russian	42
Spanish	30
Swedish and Norwegian	14
Swiss	32
United States	250
	<u>3,871</u>

To this total must be added the crews of merchant ships lying in the harbour and occasional visitors, and we have a population of, in round figures, 4,000 persons of fifteen nationalities; the latter liable to be added to by Hawaiians and Peruvians, those nations having consuls resident here.

The conflict of nationalities may seem an insuperable difficulty in the path of unanimous local government or control of this mixed population. That difficulty does not, however, lie in the number of nationalities or the obstacles to the carrying out of regulations which are likely to arise therefrom, but in the entire absence of any recognized code of regulations to serve as a guide to all classes and nationalities, and the want of a responsible organized body to carry them out in the interests of the public.

Foreigners renting land, or otherwise materially interested, most numerous in Yokohama in the order of their numbers are, British, 567; American, 250; German, 200; French, 102; Dutch, 51; and Swiss, 32: the Portuguese and Russians, though more numerous than the Swiss, are not so largely concerned in the welfare of the settlement. The Chinese are omitted from this enumeration. They are orderly well conducted people residing mostly in one part of the town; and we believe that when this matter is properly represented to them they will cordially cooperate in any scheme the tendency of which is to improve the value of property of which they are large renters. The signatures to this memorial will attest the popularity of its object with all nationalities having any interests of importance in the place.

We most respectfully submit that this large body of people is virtually devoid of any form of necessary municipal control and protection. Administration of the

affairs of the settlement is vested in the Japanese local government, which is, so far as we are concerned, no administration at all. It is impersonal and unapproachable; without the knowledge necessary to frame regulations suitable for the wants of so mixed a community, or the power to enforce them. The consequence is, that the persons for whose control regulations strictly and impartially enforced are indispensable, are very frequent offenders against the public health, morality, and welfare. The municipal laws of each country vary, and cases frequently arise where a British, American, or German resident may be coerced into compliance with his own law against a nuisance or obstruction which persons of other nationalities may commit with impunity. This inequality may, to a great extent at all events, be removed by the creation of a system of suitable regulations which, having received the approval of the government of Japan and of our respective ministers, may be enforced in a similar manner as in the neighbouring settlement of Kôbe, or in Shanghai. At present, there being no responsible prosecutor, and no uniformity of regulation, every member of the community is at liberty to act as he thinks proper; and as a fact, in numerous instances, does so act, regardless of the interests of others.

The abuses which have grown out of this want of system are many and patent. We may enumerate some of them. In that portion of the town known as the "Old Swamp Concession," the Homura-road of the plans, there are numerous taverns, the majority of which are kept by foreigners and natives of the lowest class and character. To these houses seamen are allured by various artifices; supplied with maddening adulterated liquors; frequently robbed, and then turned into the streets to brawl and fight, knives being often used. When many ships of war are in port; the "liberty men" are drinking and quarrelling all day and night: and the road, which is a public thoroughfare, is then unsafe for the ordinary traffic. This evil cannot be encountered by the police, the native force being physically unequal to the task, while the foreign constables are too few in number. The cause, not the effect, of this system of unlicensed grogshops should be attacked: and if order is to be kept in the streets these houses must be licensed, placed under inspection, made to close at stated hours, and be subjected to penalties, including revocation of license, for breaches of the regulations.

In this street, and in various other parts of the settlement, are numerous wooden houses or shanties, Japanese in every detail, openly occupied by Japanese tradesmen, who, we believe, thus evade the license dues imposed by the local government in the native towns. In other places are the premises occupied by brothel keepers and receivers of stolen property, whose actions should be brought under the surveillance of an efficient detective staff with a view to their arrest, punishment, and eventual deportation. In the vicinity of the hatoba, and the side streets in the neighbourhood, "fences," or receivers of stolen goods, may be seen throughout the day plying their unlawful trade, and holding out inducements for thefts which are now so numerous as to form a serious tax upon shipmasters, landing agents, and other persons concerned in the loading and discharge of vessels. On the Camp-hill, the approach to the bluff by way of the Yato-bashi, are several taverns, all of which are

brothels where prostitutes openly solicit the passer-by. At intervals on the new road, similar places flourish. All this goes on without the visible interference of any authority whatsoever. In the settlement, and on the bluff, robberies are frequent, the thieves finding no difficulty in carrying off bulky and heavy goods, and in evading detection.

The police force employed in the settlement is said to be considerable. In the Kanagawa-ken 530 men are enrolled, and are said to be distributed as follows:—

In the foreign settlement...	180
„ „ native town ...	106
„ „ balance of the ken ...	244

Exclusive of 48 inspectors, of whose distribution we are uninformed. The wages of the police are:—

Inspectors ...	per month	20 to 80	yen
Sergeants ...	„	15 to 20	„
8 men	} in the settlement.	10	„
8 „		9	„
32 „		8	„
132 „		7	„

In our opinion the number of police employed is far in excess of that required; and the wages are not only inadequate but directly conduce to the corruption of the men. That the police have connived at robberies in the settlement the circumstances of those robberies seem plainly to indicate. Heavy cases of goods requiring three or four men to handle have been removed by night from warehouses bodily and carried away; a work of time, labour and noise. As a matter of fact the *personnel* of the force is lethargic and inefficient; and we submit with all respect that the number may be doubled or quadrupled without any perceptible benefit. What we urgently require is an organized drilled force of respectable active men, reinforced by a certain number of foreigners, and the whole placed under the best and most energetic supervision.

On all the points here referred to we appeal for support to the foreign Consuls who are the recipients of frequent complaints, all more or less serious, but who are powerless to obtain redress.

The state of the roads, streets and drains, is the point which next demands attention. In acknowledging the efforts of the Japanese local government to make good roads, drains, &c., we have still to complain that much of the work has been badly performed in the first instance, and has been greatly neglected afterwards. The Main and Water Streets, in wet weather become almost impassable, while in dry and summer weather the dust is intolerable, for there is no process of street watering unless undertaken by private subscription. The drains were only constructed to carry off surface water; they have been used for sewage simply because there was no

inspector of nuisances to put a stop to the practice; the consequence is that many drains are choked and must be relaid and enlarged. The collection of garbage in these drains is supposed by competent men to be of a dangerous character, and to account in great measure, if not entirely, for the unhealthy condition of the settlement. All these things require attention; and when put into order, subsequent constant and competent inspection, with the object of remedying defects so soon as they are discovered. Repairs, we admit, are frequently undertaken by the local government; but those repairs are generally imperfect, costly, and useless. On the bluff some of the roads are in fair order; but many are in a most dilapidated condition; while there is a marked absence there of all suitable drainage. In bad weather traffic is seriously impeded; and we believe this can be remedied; and the roads efficiently kept in repair, and watered when necessary, at a less cost, after the first year, than the local government are subjected to at present.

The next point is the absence of street-lighting. The local government do not consider street-lighting as included in their duties; and until recently the settlement was, as the bluff is now, wholly unlighted by night. Of late, this has been to some extent remedied by the introduction of 100 gas lamps at an annual cost of 4,100 yen, defrayed by private subscription; a most precarious, and, in this place, improper means of income, liable to be at any moment interrupted when the streets would be again, as they were for 15 years, left in total darkness.

The absence of building and sanitary regulations is another evil. Good property may be endangered, as is the case in some parts of the town, by the erection of sheds, wooden houses, &c. closely adjoining. Ruinous buildings, walls, &c. dangerous to passers-by, are left standing in the absence of authorised remonstrance. Projections interfering with the thoroughfare, the practice of obstructing the streets with building materials unguarded and unlighted at night, or with heavy goods, such as iron &c., during the day, the conveyance through the streets of settlement and bluff, at improper and unseasonable hours, of the most offensive matter, are nuisances which prevail unchecked. There is no rule of the road; no regulations for *jinnriki-sha* which appear to be known or observed; no system of effective scavenging; of the cleansing of private compounds where accumulations of garbage may be made dangerous to health; nor any possible means for the abatement of public or private nuisances.

In the space of a memorial of this kind we find it impossible to enter into further details of the evil effects of want of control visible in this settlement. Every abuse which can flourish in the absence of control employed by responsible authority may be found in our midst: many are permanent; others transitory; but all are highly objectionable and detrimental to the public morality and welfare.

The Japanese government may, with propriety as before stated, urge that these abuses arise from the powerlessness of the local government to enforce municipal regulations upon the foreign community. To this we beg to reply that the local government are not in a position to understand the wants of a well-ordered foreign

settlement; or to undertake its control without the assistance of an advisory committee of foreign residents; that the rules applied to the neighbouring native towns which surround Yokohama seem to be as inadequate for the control of Japanese, as is the absence of rules for the control of foreigners; that such rules applied to foreigners would answer no good purpose, for the condition of the native town is worse than that of the foreign settlement.

The fundamental principle of effective control is the certainty of the authority conferred upon a committee, or other body properly elected, being legally enforceable. While we repeat our obligations to the local government for their intentions to meet the wishes of residents, we are obliged to declare that the experience of nearly fourteen years shows conclusively that their efforts to control the settlement cannot be utilized without the assistance of a committee of resident foreigners, who, armed with recognized authority, can act as an executive body for the enforcement of good order within the limits of their own settlement, and by so acting cooperate with the local Japanese government and thereby relieve them of much of the arduous and thankless labour now performed at a cost which we believe to be far in excess of the return received.

The remedy we therefore venture to propose is the formation of a local board or committee, which shall be constituted in the manner, and have vested in it powers of the nature hereinafter stated:—

1. The board shall consist of nine persons, three being Japanese and six being foreign residents. The Kenrei of Kanagawa shall be *ex officio* president; and he shall have power to nominate two other Japanese functionaries to serve on the board. The foreign members of the board shall be elected with due regard to the following conditions:—

2. The qualifications of a foreign candidate for election are intended to be regulated by the conditions customary in ordinary municipalities with regard to status, property, nationality only of treaty powers, with specified disabilities, &c.

3. The qualifications of electors are intended to be likewise regulated by customary municipal conditions with regard to property, tenancy, residence, &c.

4. Upon the election of the board the members shall meet within seven days after such election and appoint a foreign vice-president.

5. The president shall forthwith inform in writing the government of Japan, and the vice president the senior consul, of the election of the board in accordance with these regulations; and the vice-president shall request the senior consul to inform the foreign ministers. A notice of the election and officers of the board shall be made public by advertisement.

6. Any bye-election, or change in the *personnel* of the board shall be communicated in the same manner.

7. The limits bounding the districts over which the board shall have control,

shall be:—*The settlement.* On the west, the street which separates No. 1 compound from the custom house, passing thence between the United States consulate and the custom house, post office and *kencho*, to the east of the public garden to the canal, thence to the Nishi-no-hashii along the canal to No. 20 compound, and thence along the bund to No. 1 compound. (This area excludes the canal which, being kept open open solely for access to the government kerosene godowns which return a very large income, should not form a charge upon the settlement). *The bluff.*—The bluff shall include all that portion of the concession set apart for the residence of foreigners; and shall include all new lots of land to be hereafter sold for that purpose. (The native towns of Homura, Ishikawa, &c. must, for obvious reasons, be excluded from the area here defined; unless the presence of the *kenrei* would be sufficient warrant for including it within the district under control of the board). The boundaries of the board's jurisdiction are enclosed with red lines on the accompanying plan.

8. The committee shall have power to draw up regulations and bye-laws for the control of the district within its jurisdiction, and shall have power to make other bye-laws as they become necessary, provided, that no regulations or bye-laws shall have force (except such as relate solely to the board or its officers or servants) until passed by the electors in special meeting assembled, of which meeting and the object of it, ten days' notice shall be given; and until approved by the government of Japan and the ministers of foreign powers.

9. The regulations and bye-laws which the board shall have authority to draw up and submit for approval shall relate to the following principal matters:

10. The reconstruction of the police force; the powers with which it shall be entrusted; numbers, pay, uniform, quarters; ordinary services; special services in case of fire or other emergencies; penalties for misconduct, breach of regulations, &c.; specific instructions as to powers and duties; and generally, the organization of an efficient force of police with clearly defined functions.

11. The control and management of the sewers and drains; power to make sewers and drains; to enlarge or alter them; to control the action of persons constructing drains flowing into the public highway or sewers, or into the land of another without his consent; to restrain the erection of houses unless suitable drainage be provided therefor.

12. The board shall be surveyors of all highways, thoroughfares, and streets; and have the management thereof. No stoppage of any highway, thoroughfare or street, or obstruction therein shall be permitted without the consent of the board; or shall any person without such consent make any alteration in any house or building interfering with any highway, thoroughfare, or street.

13. The lighting of the streets shall be under the control of the board; and no gas or water pipes shall be conducted through or under the streets without their consent.

14. The supervision of water spouts, and other appliances for carrying off water from roofs and preventing its descent upon the public thoroughfare shall vest in the board.

The board's powers shall also extend to the creation of regulations dealing with the following:—

15. Obstructions in the streets caused by placing goods, building materials, or other objects therein; and if done by permission, for lighting the same by night.

16. Rumous or dangerous buildings, walls, or other structures.

17. The scavenging of the streets.

18. The board and its officers shall have the right of entry into private compounds for necessary purposes of sanitary inspection, or to abate or remove nuisances: but all persons so entering to produce their warrant when required to do so.

19. Erection of buildings dangerous to surrounding property, such as straw, bamboo, or wooden sheds or structures; the storage of goods inflammable or dangerous, such as dynamite, gunpowder, naphtha, spirits in quantities, sulphur, kerosene, &c.

20. Tavern keepers. Inspection of the liquors vended by them; limitation of the hours of opening and closing; licenses: power to revoke licenses after conviction of two or more offences.

21. Disturbances in the streets such as firing weapons, or fireworks of any description; improper processions; drunkenness and attendant brawling; furious and improper riding and driving; leading horses up and down thoroughfares; nuisances or indecent behaviour.

22. Driving by night without lights.

23. *Jinrikisha* stands, fares, rules, &c.

24. Penalties for breaches or non-observance of these bye-laws.

25. The board, by its president or duly authorized officer or counsel, shall be prosecutor in any action for breach of these regulations; and any fines recovered shall be paid to the Japanese government, and be appropriated to the cost of the administration of the foreign settlement.

26. The board, having all the rights and privileges of a plaintiff, shall also be liable to be sued, and to incur all the obligations which private defendants have in proceedings commenced against them, provided that neither individual members of the board nor its officers shall be personally responsible. And all proceedings against the board shall be commenced and prosecuted before a court to be composed as directed by agreement between the government of Japan and the foreign ministers

27. The board shall, on or before the 30th of April in each year, prepare an estimate of the cost of maintenance of the settlement in accordance with these regulations; and shall submit the same to the government and the foreign ministers for approval. In event of an unforeseen contingency arising a supplementary estimate shall be submitted in the same manner for approval before the work be undertaken.

28. The ground rent shall continue to be, as heretofore, payable to the Kenrei of Kanagawa; and all license or other taxes which may at any time become leviable, shall likewise be paid to the Kenrei of Kanagawa and be appropriated to the cost of the administration of the foreign settlement.

29. When the annual estimates have been approved, the board shall have power to sign drafts upon the local government for all the disbursements set out in the estimates as they fall due.

30. The board shall have power to appoint all officers and servants strictly necessary for the execution of the orders and work of the board.

If this memorial meets your approval in its present form, or with such changes as may seem desirable, we beg to appeal to you to recommend its prayer in the proper quarter.

Should the Japanese government and the foreign ministers regard with approbation the formation of such a board as we have proposed, the necessary initiatory step would appear to be the election by the foreign residents of a committee of their number, who would proceed to frame a draft of regulations, bye-laws, and estimates for submission to the Japanese government and the foreign ministers, in order that they might enter upon the measures which they would have to adopt to give validity to those regulations and render them enforceable by proceedings in our respective courts of law. The election of members to serve on the board would follow the approval of the regulations by which the board would be constituted.

Estimates for the cost of efficient municipal control of the settlement have not yet been minutely entered into; but we are in a position to state that the expenses for the first year, which will probably be \$10,000 in excess of subsequent years, including all establishment expenses and salaries to necessary competent officials; the police force, together with uniform, fire and lighting and quarters and medical attendance for the men, rewards for good service, and horses for mounted inspectors; street lighting; scavenging; repairs to roads and drains; and minor contingencies, will not exceed sixty thousand dollars (\$60,000).

Finally, we beg to point out that this memorial only embodies the outline of the scheme proposed; when the matter has been more carefully examined by a special committee nominated for that purpose, an elaborate draft of regulations, bye-laws, and estimates may be drawn up; for it is not the intention of the signatories of this memorial to do more than convey to you the object and broad, general scope of their wishes.

We have the honour to be,

Sir,

Your obedient, humble servants,