

THE "HUNDRED ARTICLES" AND THE TOKUGAWA GOVERNMENT.

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PREFACE.

THIS translation of the *Hiakkajō*, or “Hundred Articles,” is made from the text given in the first volume of the “*Tokugawa Kinreikō*” or “Study of Tokugawa Enactments” edited and issued by the Japanese Ministry of Justice. The volume in question was published in July, 1893. A note attached to the Articles says:—

“The ‘Hundred Articles’ have been known to the public for a long time. The MS. Copies, however, in the possession of feudal families all differ in certain respects, and it is difficult to say which is correct. The copy preserved in the Asakusa* Library came out of the Storehouse of the Tokugawa Government. There is, therefore, reason to regard it as superior to other copies which have been circulated. Consequently this has been selected as the authentic text to the exclusion of all others. The ‘Hundred Articles’ are said to have been drawn up in the lifetime of Tōshōgū,† but on examination it appears that the Articles were not all published during the rule of the first Tokugawa Shōgun, but that they came to be observed gradually in the course of the second and third generations of Tokugawa rulers. It would seem that the form of government was established by the founders of this line of Shōguns, and that his son and grandson (the second and third Shōguns) made known his testamentary injunctions, and put them into practice. They were then,

* The Library referred to is the Government Library in the Asakusa District of Tokio.

† The Buddhist posthumous name of Iyēyasu.

presumably, arranged in clauses, and called the 'Hundred Articles.' The fact that the House of Tokugawa governed the nation for more than two hundred years, exercising a firm control over the clans, and preserving the tranquillity of the country, was due to its strict observance of these Articles. Accordingly they are given the first place in this account of the Tokugawa Government. Thereby a general idea of the system of administration may be formed. The number of Articles, it will be observed, is one more than that which appears in other versions. Which number is correct it is impossible to say."

The Appendixes attached to this paper comprise (1) a comparison of the *Kinveikō*, or official, text with three other versions, which shows the chief differences in the texts examined, and those Articles of the former which do not appear in the latter; (2) a List of Articles in other versions which are not found in the "Official Text"; (3, 4 and 5) translations of three of these latter Articles which seem to deserve special notice; (6) a Note on Article 47 of "Official Text"; and (7) a Note regarding the "Shōgun's Guests."

It will be seen that there are very wide divergences between the "Official Text" and the other versions consulted. These, on the other hand, with a few exceptions, agree very closely, the differences noticeable being mostly confined to the order and arrangement of the Articles, and their total number. To this last mentioned point—referred to in the Note in the *Kinveikō*—little importance need be attached. In the originals the Articles are unnumbered, as is usual in Japanese documents of this kind. In the absence* of numbers a copyist was liable to mistake for a new Article what was intended to be only a fresh paragraph, besides being free to exercise his own judgment in making two Articles into one, or one into two.† The fact that the total number of Articles

* A small mark "(—)" was used to denote the beginning of a new clause or Article.

† A reference to the Comparative Table will show cases where this has occurred. In one instance, Arts. 29 and 30 of the "Legacy of Iyéyasu," where out of respect to the Emperor a space was left in the clause as it originally stood, the translator or copyist has made a new Article.

differs* in all the five versions consulted points to the conclusion that the "Hundred Articles" was a term rather loosely applied, and not meant to be construed too literally.

The correctness of the *Kinreikō's* conjecture as to the date of compilation of the "Hundred Articles" is confirmed by internal evidence supplied by the Articles themselves. For instance the Junior (or Lower) Council of State (*Wakadoshiyori*) mentioned in the Articles was not established until 1633, during the rule of the third Shōgun, namely, seventeen years after Iyēyasu's death; nor did Nagasaki become the only port of entrance for foreign vessels until 1641.

It is less easy to account for the divergences between the "Official Text" and the other versions. Appendixes 1 and 2 show how numerous they are. No less than forty-nine Articles in the "Official Text" are missing in other versions. Similarly forty-eight Articles in the other versions are not found in the "Official Text." Moreover, in only six of the remaining fifty-two Articles of the latter, between which and the other versions a more or less close correspondence has been established, are the respective texts identical, or nearly so. It may, however, be safely assumed that the "Hundred Articles" were compiled in the reign of the third Shōgun from documents left by Iyēyasu, and that they were regarded—as indeed is expressly stated in the Articles—as an authoritative exposition by the founder of the Tokugawa line of Shōguns of the leading principles of the administration he established. In view, therefore, of the authority attaching to them, and their careful preservation in the State archives, it is not unreasonable to suppose that they were—as was the case with the General Laws of the Military Class (*Buké Shohatto*)—subjected to revision from time to time, in order, as the system of administration developed, to meet the changing circumstances of the day. The text of the other versions may thus be taken to represent the earlier form in which the "Hundred Articles" were arranged for the use of the Council of State; while the "Official Text" may be regarded as representing the revised

* The "Official Text" has 101 Articles; the "Legacy of Iyēyasu" and Mr. Dickson's translation have each 100; while the *Odawara* and *Nikkō* versions have 98 and 97 respectively.

shape the Articles had assumed at the close of the Tokugawa administration. This seems to be the most natural explanation of the divergences in question.

Assuming the correctness of the theory suggested, the revision of the original text, when it occurred, seems to have taken the form of omitting such provisions as became in the course of time either out of date, or for other reasons unsuitable, and substituting in their place new provisions of, on the whole, a colourless character; their insertion being prompted by a desire, out of respect to the author, to maintain approximately the number of Articles in the original manuscript which gave it its name, and at the same time to preserve, in the interests of the administration, the traditional authority of the instructions of its founder.

Thus, taking first the Articles of other versions which are absent from the "Official Text," we find that these relate chiefly to matters which would in the ordinary course of things be subject to alteration in the process of time. Such, for instance, are the Articles dealing with the attendance of Daimiōs at Yedo in alternate years, the inspection of feudal territories, the appointment and dismissal of officials, the regulation of the calendar by Shintō officials, the Land Survey made by Hidéyoshi in 1592,* the execution of vendettas under official sanction, the regulation of concubinage according to rank and class, the maintenance of barriers or guard-houses in certain localities, the revival of the office of Military Governor of Kiūshiū, the visits of foreign vessels, and the exclusion of Christianity, in its Roman Catholic form,† from the general tolerance shown to other religions. Of the same character, too, are the provisions forbidding the practice of suicide by a retainer on the death of his feudal lord, enjoining the payment of due respect to Imperial Princes, Court Nobles, and the five Guests of Honour (Appendix 7), establishing the principle of primogeniture in the case of feudal families nearly related to the Tokugawa House, emphasizing the duty of avoiding

* This was accompanied by a reform in the system of land taxation which reintroduced the method of payment in kind.

† The only form then known to the Japanese, for the Dutch traders were not regarded as Christians.

all disturbances during the progress of daimiōs to and from Yedo, and enunciating the principle, singular for those days, that those who made laws should be the first to obey them.

The Articles which replace them in the "Official Text" belong on the other hand mostly to a different category. More place is given to Confucian maxims concerning the exercise of benevolence and other virtues, to warnings regarding the neglect of military accomplishments, to the duty of observing the "Hundred Articles," and to various minor details of administration, the importance of which would, in other circumstances, have hardly warranted their inclusion in a State Paper of this kind; whilst such seemingly trivial matters as dancing to music, the provision to be made for women dependents of the military class, and the consideration to be shewn to aged statesmen, receive separate attention. The effort, moreover, to maintain at all costs the number of Articles in the original text, is revealed by the retention in places of portions of Articles of other versions without the context which is needed to explain their meaning, and by the somewhat clumsy regrouping in the same Article of subjects which have little relation to each other. To the general character of the new provisions, as above described, there are, however, important exceptions: such, for instance, as the regulation for guarding the authority of the Council of State against encroachment on the part of high officials; the provision regarding the ceremonial audiences of the Shōgun on public holidays, which replaced a former article concerning the observance of national mourning on the occasion of the death of an Emperor, or other member of the Imperial Family; the modification of the rule under which only *Fudai* daimiōs were allowed to serve on the Council of State; the injunctions relating to worship at ancestral shrines, and to the recognition of talent in official promotion; and the formality of the Oath of Fealty exacted from all daimiōs on the accession of a new Shōgun.

It by no means follows from the omission from the later version of so many Articles in the original text, and the substitution of others in their place, that the regulation of such points as were omitted ceased to be of serious concern to the Government. The more natural inference is that as the

Tokugawa rule was gradually consolidated, and the machinery of administration grew more complex, it became necessary to regulate such matters on a scale too elaborate and extended to be in keeping with the original scope and intention of the "Hundred Articles."

The most noticeable differences in the wording of Articles common to all the texts consulted occur in the lists, as given in the "Official Text" and other versions, of the feudal families who followed the fortunes of Iyéyasu from the time when he first rose into prominence as the Daimiō of Mikawa; and in the lists of the feudatory castles garrisoned by trustworthy vassals which were established for the protection of the Tokugawa capital. These differences are readily accounted for, in the first case, by the gradual disappearance of most of these families in the course of the two and a half centuries of Tokugawa rule, and, in the second case, presumably, by a natural increase of vigilance on the part of the Shōgunate in a matter which affected the security of the seat of Government.

The secrecy enjoined, if not always observed, with regard to the "Hundred Articles" will cause no surprise to those familiar with bureaucratic methods. It applied to most official documents of the period, which were never intended for the vulgar eye. This secrecy, moreover, was encouraged by the fact that as a rule such documents then only existed in manuscript, not being available at all in print until after the middle of the Eighteenth Century, nor in a complete form till many years later. Their revision from time to time furnished another reason for the adoption of this course. The "Hundred Articles" themselves were not printed until long after the Restoration.

INTRODUCTION.

Apart from their professed character of laws setting forth the main principles of Tokugawa administration, the "Hundred Articles" have certain points in common with another class of Japanese writings—the so-called "Family Instructions," or, "Rules of Feudal Houses." It was the custom in feudal

times for a feudal noble who by prowess in the field, or administrative talent, had gained increased dignity for his family, or special distinction for himself, to bequeath to his descendants rules for their guidance in the various affairs of life. A notable instance of such "Family Instructions" is furnished by those left by the famous statesman Tokugawa Mitsukuni, of the House of Mito—one of the *Gosanké*,—a translation of which is given in Vol. XXV. of the Transactions of the Asiatic Society of Japan. More than one passage in this document clearly indicates that the "Hundred Articles" were included in the sources from which the author drew his inspiration. Another is the "Family Instructions" left to his descendants by Ii Nawotaka, the daimiō of Ōmi, whose father took a prominent part in Iyéyasu's campaigns, and whose family, as the Articles tell us, enjoyed for this reason the special favour of Iyéyasu. A testimony to the respect in which these "Family Instructions" were held is supplied by Mr. S. Shimada, the distinguished author of "*Kaikoku Shimatsu*" ("The Affair of the Opening of the Country"). He explains how,* on the assassination of the Regent Ii Kamon no Kami in 1860 by Mito and other swordsmen, at the instigation of the ex-Prince of Mito, a dangerous quarrel between the two feudal families was averted by the action of the authorities in appealing to the principle laid down in the Rules of the House of Ii, which enjoined obedience under all circumstances to the orders of the Council of State.

In a paper published in the same volume of the Transactions above-mentioned it was pointed out that such "Family Instructions" were part of a whole system of laws, decrees and regulations issued during the Tokugawa *régime*. This is true also of the "Hundred Articles." They belonged to a wide group of documents whose range "embraced"—to quote from the paper in question—"administrative questions, rules of ceremonial etiquette, sumptuary laws, religion, the duties of judges, Confucian ethics, official functions, the relations between the Shōgunate and the feudal nobility, between the latter and their retainers, and between members of the military class and the rest of the people. Not infre-

* See "Progress of Japan 1853-71" pp. 120-21.

quently, too, they include precepts for the guidance of the Throne which applied both to reigning and abdicated Monarchs, special injunctions addressed to the Court aristocracy, and regulations for the Imperial Household extending even to the Ladies of the Palace."

The curious mixture of subjects which is a noticeable feature of all these documents led inevitably to much repetition. A marked family resemblance between all was thus produced, feudal matters and administrative measures, which were the main themes in each, showing up invariably against the same background of Confucian ethics. Consequently there is much in the "Hundred Articles" with which any one who has studied other documents of the period is already familiar. It will be sufficient, therefore, to confine ourselves to such points as relate more especially to Tokugawa administration.

The statements in the *Kinreikō*, and in the "Hundred Articles" themselves, that they constitute the basis of this administration, from which a general idea of its character can be formed, must not be taken too literally. The picture of the Tokugawa Government which they furnish is a mere sketch in rough outline, much being left to be supplied from other sources. The main points which they bring out are the centralization of authority at Yedo in the hands of a Council of State, under the direction, nominal or real according to circumstances, of the Shōgun, which governed the country in the name of the Emperor, for whom, together with his phantom Court of *kugé*, profound respect was professed, and whose nominal participation in State affairs was indirectly acknowledged; the division of the feudal nobility into two classes, *Tozama* and *Fudai*, the latter of whom, whose loyalty to the Shōgunate could be depended upon, were alone permitted to take part in the work of Government; the exaction of an Oath of Fealty from all feudal nobles on the installation of a new Shōgun; the institution of the *Sankin Kōtai*, or attendance at Yedo, in alternate years, of all daimiōs not permanently employed at the Shōgun's Court, or in official capacities elsewhere; and the corollary to it, the tours of inspection of their territories to be conducted by them when at home. Of importance also are the provision under which daimiōs of a less status than Lords of Provinces (*Kokushiu*),

whose position secured them from interference, save for reasons of state, from the Yedo Government, were transferable from one fief to another at the Shōgun's pleasure ; and the establishment in various localities, in increasing numbers, of barriers in the shape of guard-houses, the evil effect of which on domestic intercourse and trade was one of the causes of the gradual decadence of Tokugawa power. To be noted, too, are the reference to the *Hiōjōsho*, the Administrative Board, with its judicial section called the *Ketsudansho*, before which all sorts of questions were brought for determination ; the vigilance with which the boundaries of fiefs and provinces were maintained ; the care bestowed upon agriculture ; the forfeiture of fiefs for misgovernment ; the distinction drawn between the territories subject to Shōgunate rule and those administered by the feudal owners ; the maintenance of garrisons in certain castles for the protection, in the first place, of Yedo, as the seat of authority, and secondly, of the Imperial Court at Kyōto, as well as to secure the safety of what were known as the thirty-three* Western provinces ; and the emphasis laid on the responsibility of the Shōgun alone for the government of the country, on the predominance of military over civil authority, and on the observance of the "Hundred Articles."

From the atmosphere of Confucian ethics which pervades the "Hundred Articles," and the scanty references in them to other religions, it is possible to draw quite wrong conclusions regarding religious influences in Japan. This Confucian atmosphere is very natural in view of all that Japan had borrowed from China at the time of the Great Reform in the seventh century, and in view, moreover, of the fact that the "Hundred Articles" deal very largely with the relations between rulers and people, and with social relations—things which are the kernel of Confucianism. One point, nevertheless, is brought out very clearly ; the tolerance extended to all religions, with the single exception of Roman Catholicism, the ban on which was not removed until after the Restoration. This accounted for the survival of the practice of purification after the death of a near relative—an essential Shintō tenet—of which mention is made in one of the Articles,

* See Note 47 in Translation of the "Hundred Articles."

and for the custom of retirement into the priesthood, a special form of abdication, due to Buddhist influence, which extended from the Throne downwards. It must also be remembered that the long existence side by side of different, but in no way antagonistic, religions produced a tendency towards religious fusion, the results of which were shown in the coalescence of Confucian and Buddhist moral teaching, and in the evolution of a new form of religion known as *Riōbu Shintō* by the reception of Shintō deities into the Buddhist pantheon.

Of agriculture we hear a little in the "Hundred Articles," though only indirectly; but of trade, either domestic or foreign, nothing at all; the mention of port dues in one Article, and, in another, of Nagasaki, the port of call for Dutch and Chinese traders, being the only indications of its existence.

In order to fill in, even very roughly, some of the details lacking in the picture of Tokugawa administration as presented in the "Hundred Articles" it is necessary to draw on other sources of information.

As all students of Japanese history are aware, the distinctive character of Tokugawa administration,—the co-existence of what Mr. Shimada, the eminent writer already mentioned, described as "two governments, one nominal, the other real," was no new thing. Duarchy of this kind had sprung into existence with the establishment of the feudal system in the twelfth century. What is not perhaps so well known is that after the extinction in 1252 of the first line of Shōguns founded by Yoritomo, the Shōguns were for nearly a century chosen from among members of the Imperial House—a fact which suggests that these rulers were not always usurpers, and that there was something in duarchy which specially attracted the Japanese people. And this conclusion harmonizes with a feature of Shōgunate rule common to all Japanese administration, which requires a word of explanation. It must always be borne in mind in dealing with Tokugawa government that although the influence of the Shōgunate might vary from time to time according to the personality of the Shōgun and his Ministers—the strength, that is to say, of the hands in which administration lay—these hands were rarely those of the Shōgun himself. His

personality as a rule counted for little. The figure-head system of authority, which began with the Throne, and without which duarchy would have been impossible, applied equally to the Shōgun, who was simply the mouth-piece of the Council of State, and extended downwards through all ranks of society from the daimiō, whose fief was usually administered by his retainers, to the ordinary citizen, who, though head of his family, was as often as not a mere echo of the Family Council. The tendency of this system was to keep everything shrouded in an atmosphere of impersonality which is reflected in the language of the people.

The difference between the rule of Iyēyasu and that of previous dynasties of Shōguns lay in the more complete subjection of the Imperial Court; in the wider range of his authority, which for the first time in the history of the Shōgunate extended over the whole country; and in the highly organized and stable character it assumed under the guidance of his constructive genius.

Some idea of the condition of subservience and isolation to which the Throne was reduced, and of the arbitrary action of the new ruler, may be gathered from the Law known as the "Eighteen Articles" promulgated, we are told, in 1615* during the rule of the second Shōgun, but in the lifetime of Iyēyasu, to whom the authorship is ascribed. This law determined the relations between the Court and the feudal nobility, and, while acknowledging the theoretical supremacy of the Emperor, confirmed in all respects the administrative authority of the Shōgun. It did more. It transferred from the Court to the Shōgunate the control in certain religious matters connected with the so-called protection of the Throne against evil spirits by abolishing the long-established *Riōbu Shintō* processions in Kyōto, and by formally recognizing the Shintō Deity from whom this protection was supposed to emanate as the tutelary deity of the Tokugawa family—the Shōgun being thus made responsible for the spiritual guardianship of the Throne, the material protection over which he already exercised in his capacity of supreme military ruler. This law, moreover,

* The date given by the *Kinreikō*, but references in it to matters of later date show that amendments were subsequently introduced.

interdicted all Court processions, whether of reigning or of abdicated monarchs, which meant their confinement to palace precincts; it forbade feudal nobles to retire into the Buddhist priesthood; deprived princely abbots, and other dignitaries who had already taken this step, of eligibility for the nominal Court Offices hitherto open to them;* and prohibited the feudal nobility from visiting the Court, the penalty for disregarding this order being the extinction of the offender's family. Daimiōs were not permitted to visit even the outskirts of Kyōto for the purpose of sight-seeing without the Shōgun's express sanction. This authority was also necessary for marriages between members of the feudal nobility in cases where the revenue of a fief reached, or exceeded, 10,000 *Koku*,† and for all marriages between the Court and feudal nobility. The latter were also warned against giving pecuniary assistance to Court nobles related to them by marriage. Their feudal revenues, it was said, were needed for defraying the cost of the State services‡ imposed upon them, and for the discharge of their feudal duties; whereas Court nobles, being exempted from all public burdens, and having only their palace duties to perform, were well able to live economically on their incomes, small as these might be. The Shōgun's permission was also necessary for the building of new castles, as well as for the repair of those already in existence, nor could land once in the possession of the military class pass out of its hands.

All public expenditure connected with the Imperial Court—such, for instance, as that incurred on the accession of a new Emperor, and the cost of the frequent visits paid by Imperial legates to Yedo—was defrayed by the Shōgunate. But the private income of the Throne was in keeping with its weakness and isolation. Apart from certain taxes set aside for the

* On the ground that being disciples of Buddha it was not fitting that they should discharge both secular and religious duties.

† See Note 11 in 'Translation of the "Hundred Articles."'

‡ *Koku-yeki*. These included contributions in the shape of labour, material or money exacted from the feudal nobility, in proportion to the revenues of their fiefs, for such purposes as the building and repair of the Imperial Palace and the chief castles of the Shōgun, or for any other object the Government might indicate.

purpose, such as port dues, etc., the proceeds of which could not have been large, the annual revenues derived from land which were allocated to the Imperial House amounted to the paltry total of 20,000 *Koku** for the Sovereign on the throne, and, in cases where there were two Ex-Emperors besides the reigning monarch, of 8,000 *Koku* for the one whose abdication came first in date, and 5,000 for his successor. This, too, at a time when the revenues of the Shōgun's domains exceeded 5,000,000 *Koku*, and those of wealthy daimiōs ranged from 300,000 to 1,000,000 *Koku*.

While thus stripping the Imperial Court of every vestige of real authority, Iyēyasu spared no pains to surround it with a glamour of outward respect. The intercourse and correspondence between the Court at Kyōto and the Shōgunate in Yedo were conducted with a wealth of ceremonial etiquette; all important State decrees purported to emanate from the Throne; and in all respects, so far as outer semblance was concerned, the theory that the Emperor was the head of the State was rigidly maintained. As a set-off, however, to these concessions to national feeling, the new Shōgun and his successors had no scruple in appropriating to matters and things connected with the Shōgunate the honorific terms originally reserved to the Throne. It is not surprising, therefore, to find after the abolition of all Imperial processions that the processions of Shōguns which took their place were conducted on a scale of pomp and magnificence unknown before, and in an atmosphere of exaggerated reverence to which the Sovereigns themselves had long been strangers.

The changes which took place in the feudal map of Japan between 1596 and 1615, show the strength of the rule established by Iyēyasu. In the former year he was simply a feudal noble, though *primus inter pares*, with the Court title of *Naidaijin*, the fourth in rank of the Chief Ministers of State who, at one time, governed the country, and with a rent-roll of some two million *Koku* of rice—double that of the daimiō who came next to him in wealth and importance. A few years later, when he had become Shōgun, the revenue of the Shōgun's domains amounted, as already mentioned, to more

* See Note 11 in Translation of the "Hundred Articles."

than five million *Koku*. During the same period the daimiōs of three whole provinces, Owari, Kishiū and Hitachi (Mito), were dispossessed, and their territories, comprising some of the richest land in the country, given to three of Iyēyasu's sons, whose families were thereafter known as the Gosanké; the daimiō of Chōshiū was deprived of three-fourths of his extensive fief;* while of the 180 daimiōs of importance whose names figured in feudal maps before 1600 (the date of the decisive battle of Sekigahara), nearly half disappeared afterwards. The object in view in this re-adjustment of feudal territories was to simplify the task of administration, and at the same time to strengthen the Shōgunate by placing trustworthy adherents in places of political and strategic importance. An additional proof—if such were needed—of the unquestioned supremacy of the new ruler is supplied by the bestowal of his early family name of Matsudaira, not only on all the feudal families connected with his own, but on many of the leading *Kokushiu*, or lords of provinces. Among those who thus received them were the daimiōs of Satsuma, Chōshiū, Hizen, Tosa, and Awa, whose retainers took a prominent part in the Restoration of 1868–9. In these latter cases, however, the feudal recipients of this questionable privilege were allowed to retain their old surnames, using them alternately with the new designations.

A word as to the feudal system which was the basis of Tokugawa government. In his "History of the Civilization of Europe," Guizot puts forward on behalf of feudalism the claim that it constitutes an essential stage in the evolution of nations. It certainly played an important part in the development of Japan, lasting as it did from the close of the twelfth century down to the Restoration of 1868–9, a period of nearly 700 years. Though Japanese feudalism in its general features resembled the feudal systems which prevailed at various times in the Continental countries of Europe, in one respect—the position of the population inhabiting the fiefs—it had a close affinity to the clan type of Scottish feudalism; with this important distinction, however, that whereas the Scottish

* His ancestor Mōri Terumoto was known as Mōri of the Ten Provinces.

clan was a family, or tribal, organization, the basis of the Japanese clan was purely territorial, the clansmen being held together by no family link. Nor was this territorial basis strictly provincial. The area of a fief in unsettled times was subject to constant changes, expanding or contracting according to the military fortunes of the daimiō concerned. The map of feudal Japan was, therefore, continually changing. Nor in the alterations introduced from time to time was any consideration paid to natural boundaries. A daimiō's fief, or, in other words, the territories of a clan, might consist of the whole, or only part, of a province, of portions of two or three provinces, or even of several whole provinces, as in the case of Iyēyasu himself, and at one time of the Mōri family. In earlier days the word clan (*Han*) was not much used, the personality of the daimiō of the fief being the chief consideration. When, however, under the centralized and more stable administration of the Tokugawa Shōguns, conditions became more settled, the boundaries of fiefs became more fixed and permanent; the result being that the personality of a daimiō counted for less, and the term clan gradually came to be more commonly employed to express the idea of a distinct feudal community united solely by territorial associations, which acted in a way similar to provincial ties in all countries. This explains what seems a paradox to many people, namely, how it was that clan spirit should have survived the abolition of the feudal system, and how it is that Japan to-day, more than half a century after the disappearance of feudalism, should be ruled by what many Japanese speak of as a clan government.

Before concluding this very imperfect review of a period of history notable in many ways it may be well to place on record very briefly the salient features of Tokugawa rule, as founded by Iyēyasu and developed by succeeding Shōguns. The three chief agencies of central administration seem to have been the Council of State (consisting of two bodies, an upper and a lower Council); the *Jisha-bugiō*, or Superintendents of Temples (both Buddhist and Shintō) who, in spite of the religious sound of their official titles, were executive officials, and had an important voice in State business; and the *Hiōjōsho*. This was an institution resembling that

originally created by the Kamakura Shōguns. Established at a time when no clear distinction existed between executive and judicial matters, it seems to have combined the functions of a Supreme Administrative Board and a Superior Court of Justice, taking cognizance of all sorts of questions, both executive and judicial, and, under the latter head, of both civil and criminal cases, which were decided by a special branch known as the *Ketsudansho*, or Court of Decisions. The matters which came before this Board ranged from disputes regarding land, agriculture and taxation, to questions concerning the boundaries of fiefs and provinces; from complaints of the conduct of the feudal nobility and Shōgunate officials, to appeals from the decisions of other tribunals. The members of the Council of State had the right of attending the sittings of the Board, being encouraged to make surprise visits in order to ensure the rendering of impartial justice; and for the same reason, apparently, in the earlier days of the Shōgunate the attendance of the Shōgun himself in the same manner was not unusual. A similar Board at Ōsaka dealt with questions referred to it from the thirty-three Western Provinces* and with appeals from tribunals in the districts in question. With regard to provincial administration generally, the extensive territories, amounting to one-third of the total area of Japan, which constituted the Shōgun's domains were governed directly by the Shōgunate; the rest of the country being left to the rule of the feudal nobility, with the exception of certain fiefs belonging to *Fudai* daimiōs, to which governors were appointed from Yedo. A general supervision was also exercised by a special class of officials called *Metsuke*. Their varied functions comprised those of travelling inspectors and circuit judges; and they were frequently employed as deputies or assistants to governors, delegates and commissioners, when their task was to watch and report on the conduct of their superiors. Hence the description of them as spies by foreign writers on Japan. The system of local government was based on groups of five households, or families, the so-called *Gonin-gumi*, each under the direction of a headman, and was the

* See Note 47 in 'Translation of the "Hundred Articles."'

development of an earlier form of tribal or patriarchal government introduced from China in the seventh century at the time of the Great Reform. The headman of each group was subject in towns to the control of the senior alderman of the ward, and in villages to that of the mayor. The duties of these local officials, whose posts were often hereditary, were to make known the orders of the Central Government, or feudal authorities, as the case might be, to administer justice, and to collect taxes.

These taxes were levied on a system which, like so many other things, dated back to the period of the Great Reform. In spite of minor changes made from time to time, the basis of this system—the separation of taxation into three heads, (1) a tax on the produce of land, (2) a tax on the produce of domestic, or household, labour, and (3) the *corvée*—had survived intact, and was in force throughout the country. But, though the old classification of taxes was retained everywhere—the farmer being always the tax-payer, the artizan and merchant sometimes, but the military class, which produced nothing, never—each feudal fief went its own way in carrying out the practical details of the system, and there was little uniformity. Thus, for instance, in the case of the land-tax, though it was invariably payable in kind, and was based on the actual yield of the land, the methods of estimating the yield differed according to locality, and even the land-measures themselves were not always the same. The principle, moreover, which governed the distribution of the produce of the land between the cultivator and the landlord varied in different provinces, and in different districts of the same province. In some places seven-tenths of the yield of land went to the landlord and three-tenths to the cultivator; in others these proportions were reversed; there were districts, such as the Shōgun's domains, where the cultivator received three-fifths, and others again where the proportions were equal. There was, it should be added, no farming of public revenues in Japan, the taxes being always collected by the State.

The position of the peasant farmer in the period under review was not enviable. Not only was it on him that the main fixed burden of taxation fell, but he was subject to many irregular exactions at the hands of greedy tax-gatherers.

He was also troubled by uncertainty as to the extent of his obligations, which varied, in the matter of taxes payable in kind, from year to year, and, in the case of the *corvée*, according to circumstances. And, with few exceptions, he was a serf tied to the soil he cultivated, and transferable with it. But the transfer of land independently of the fief in which it lay grew less and less frequent during the Tokugawa *régime*; and if the farmer was a serf, and belonged to the land, the land in a certain limited sense also belonged to him. In some respects, even, his lot was preferable to that of members of the idle military class, whose condition became more and more impoverished as time went by, and who were deprived during the long Tokugawa peace of all opportunities of military distinction. Doubtless, also, some small consolation was derived, though unconsciously, from the fact that the personal, or human, note in feudal rule deprived it to some extent of the harshness inseparable from corporate, or State, administration.

Two things, art and skilled industries, profited by the long and stable rule of the Tokugawa Shōguns. The artistic instincts of the Japanese people, freed from the anxieties of constant unrest, "found time and space to work and spread," while the combination of Shōgunal magnificence and feudal discipline and leisure created the precise conditions under which both artist and skilled handicraftsman could work to the best advantage. Literature also flourished, though the feudal craze for writing verses produced more poetasters than poets.

To the curious mixture in the "Hundred Articles" and in the system of government of which they purport to be the basis, of Confucian Ethics, which were Chinese, and feudalism, which was of purely native growth, attention has already been called. Iyēyasu himself was never tired of insisting on the importance of benevolence as a principle of administration. An acquaintance with the "Hundred Articles" might possibly have shaken Montesquieu's faith in his theory of the principles of government, as expounded in his famous treatise "*De l'esprit des Lois*," and might perhaps have modified his harsh views regarding China and Japan. As it was, his refusal to believe in any good results of Chinese government,

and his grotesque assertion that any virtues the Chinese might possess must be due solely to a beneficent climate, exposed him to Voltaire's retort that the laws of that people must have been pretty good to have been adopted by their conquerors, and to have lasted so long.

THE HUNDRED ARTICLES.

[Articles marked with an asterisk are not found in the other versions which have been consulted.]

1. One's first and constant endeavour should be to set aside one's own inclinations and do what is naturally distasteful.

2. Alms should be given to Buddhist priests, and reverence be paid to the gods. This is the foundation of happiness, for thereby the country becomes prosperous and calamity is avoided.

3. In the event of there being no heir to succeed to the dynasty (of Shoguns), the Councillors of State of the feudal Houses of Ii, Honda, Sakakibara and Sakai, etc., shall, after full consultation and deliberation, determine the succession.

4. The *Kokushi* (lords of provinces), *Riōshiu* (lords of territories) and *Shitaiju*,¹ who submitted to me after the fall of Kawaguchi² in Sesshiū, eighty-eight in all, are as stated in the official records. These are the *Tozama Himpuku* (outer-lord guest-vassals). All of them shall be made to attend (in Yedo) in turn in alternate years, and perform the duties (assigned to them). In other years they will conduct tours of inspection (in their own fiefs) as representatives (of the Shogun), and enquire into the welfare of the people.

5. The *Fudai*, eight thousand and twenty-three knights in all, are as stated in the official records (kept) in the same place.

¹ The exact meaning of the term *Shi-tai-fu* (士大夫) seems to be doubtful. Its occurrence, however, in the other texts consulted in an article not to be found in the *Kinreikō* (Art. 79 of Nikkō MS., 80 of Odawara MS., and 82 of Lowder) in connection with the compulsory attendance of all daimiōs at Yedo in alternate years (*Sankin Kōtai*) shows that the term refers to a special class, or group, of the feudal nobility. The Japanese Dictionary "*Kotoba no Izumi*" says that *Taiju* was a title given to all feudal nobles of the fifth official rank.

² Usually known as Ōsaka. The reference is to the defeat and death of Hidēyori, and the establishment of Iyēyasu's supremacy in 1615.

(The names of) eighteen of these appear in the old family registers from the time when I was in the province of Mikawa.³ They are Okubo, Kanamori, Itakura, Dōi, Ōshima, Abé, Andō, Hotta, Nagai, Ogasawara, Kutsuki, Tsuchiya, Ōta, Yamamoto, Nagasaki, Kiōgoku, Okazaki, and Nakané. Able men shall be chosen from these families, and entrusted with the work of government.

6. With regard to the area of the castle, the twenty-eight guard-houses and twenty-eight guard-stations within the castle precincts in the space stretching from east to west between the circular dragon on the left and the revolving hawk on the right shall be known as the Elephant quarter (or castle proper). The thirty-three companies forming what is known as the advanced guards represent the thirty-three Heavenly Shrines (天宮); the twelve companies of *Ōban* guards represent the twelve signs of the Zodiac (明神); the ten companies of *Sho-in* (書院) guards represent the ten calendaric stems; and the seven matchlock companies stand for the seven constellations. This arrangement is my own idea, and has nothing to do with ancient precedent. With regard to the commanders of these companies, they should be carefully chosen, and assigned to their several posts. As to the distribution of duties amongst these Household troops, this, regulated according to the rules established by the Lord of Kamakura,⁴ is recorded specially elsewhere.

7. Quarrels in regard to precedence between members of the military class^{4a} must not be allowed to take place. Seats

³ The native province of the Tokugawa family.

⁴ *Kamakura-dono* is a term commonly applied to Yoritomo, who created the dual system of government on a military basis, together with the predominance of the Minamoto family, to which Iyēyasu belonged. He established the seat of government at Kamakura.

^{4a} This seems a good opportunity to call attention to an error into which many foreigners have fallen in speaking and writing about the military class in Japan. The error consists in regarding the term *samurai* (侍)—a term which originally meant an attendant or retainer, and was afterwards applied to the rank and file of the military class—as the proper term to be used for all members of that class. The term used in speaking and writing for all individuals of the military class was *bushi* (武士), just as the general term for the whole body of the military class was *buké* (武家). To use the word *samurai* in the sense of *bushi* is to ignore the distinction between a daimiō and his retainers. Every daimiō was a *bushi* and gloried in the fact; but he never spoke of himself, nor was he spoken of, as a *samurai*.

Our word "soldier" is used to-day in a meaning very similar to that of *bushi* in feudal days. Every officer with us is a soldier, but he is not a *private* soldier any more than a daimiō was a *samurai*.

shall be assigned according to the dignity of the office held. Even when the office and seat held by different persons are the same, disputes regarding precedence must not be allowed to occur. Precedence must depend on the amount of official salary received, priority of date of appointment, and on age. Mutual deference is essential. I, who am an old man, honour old age (in others).

8. Laws for the military class, founded on the family rules established by *Utaishō*,⁵ are recorded separately elsewhere. But they may, if it be beneficial to do so, be revised and supplemented in accordance with the customs of the time.

*9. The six liberal arts⁶ must not take precedence of nor be put after the five cardinal virtues.

10. A Court⁷ of Decisions has been established on an ancient model. In this the rules laid down by me must be followed, and right and wrong made clear to all classes of the nation without fear of the nobility, or neglect of the common people. Those who fill posts in this Court control the basis of administration. Their characters must be strictly enquired into; the duties must be assigned to men of age and experience; they should be selected with care and deliberation; and on no account should appointments be made carelessly.

*11. *Bugiō*⁸ and headmen who rely on bribes and pervert the law are public robbers. Their crime is the same as treason. They must be punished by death, and must not be pardoned.

*12. An ancient sage says:—"Who feeds people governs them; who governs them feeds them. This is a principle of the universe." Of the four classes of the people, the military class governs the farmer; the farmer feeds the military class. These two stand above the artisan and merchant. I have

⁵ A contraction for *U-Konoye Taishō*, a title borne by Yoritomo, who was known as *Kamakura Utaishō*. In former times the Imperial Guard, *Konoyé*, was divided into left and right divisions, or wings. The title in question may be rendered "Commander of the right wing of the Imperial Guard." The term *Konoyé* is still applied to the Imperial Guards of the present Japanese Army.

⁶ The six liberal arts, an idea borrowed from China, were ceremonial etiquette, music, archery, horsemanship, writing and arithmetic (*i.e.* the use of the abacus). The five cardinal virtues were benevolence, courtesy, right conduct, wisdom and truth.

⁷ The Court of Decisions was a special branch of the *Hiōjōsho*.

⁸ A large class of officials came under this designation, their duties varying with the special post held. This class included the governors of certain towns and districts administered directly by the Yedo Government, the mayors of towns, financial commissioners, and superintendents of temples.

studied carefully the disturbances which have occurred in the history of the country. What I find is that Emperors lose their thrones, and Shoguns their military vigour, and that feudal families become extinct because these two things (namely, the services rendered to each other by the military class and the farmers) are not understood. Benevolence must be observed in their relations. There must be no neglect in this respect.

13. Mistakes (in administrative procedure) should not be rectified if they have continued for more than fifty years.

14. The farmers of villages in distant provinces are all of the same kind, but in certain villages and districts there are superior persons of ancient lineage, who, though like ordinary farmers, are yet not quite the same. Such descendants of old families should be chosen to fill [local] official posts, it being a principle of the universe that persons of a low class should not take precedence of those of superior birth. Instructions to this effect should be given to *Kokushi*, *Riōshū* and *Daikwan*,⁹ whether they be of the *Tozama* or *Fudai* class.¹⁰

15. Copies of regulations regarding the secret cutting down of trees on the boundaries of provinces, on the borders of villages, mountains and rivers, fiefs or other administrative areas, and in places close to cultivated land, houses and *Yashiki*, or where trees act as a protection to crops, must be supplied to the Court of Decisions in the *Hiōjōsho*. This must not be neglected.

16. The five punishments for crime, namely, decapitation followed by exposure of the head, crucifixion, burning, strangulation and decapitation, differ in character at home and abroad. They must be carried out in accordance with the family records of the *Utaishō*. In cases of capital offences, pardon can only be granted to Princes of the Blood.

17. Of the 28,190,000 *Koku*,¹¹ which is the total assessed annual yield in rice of the sixty-six provinces mentioned in the

⁹ The term applied to the governors of feudal territories appointed by the Shōgunate.

¹⁰ The distinction was made by Iyēyasu himself, see articles 4 and 5. The *Fudai*, or hereditary vassals, were those *daimiō* who had recognised his supremacy before the fall of Ōsaka (1615). This is distinctly stated in other versions of the Hundred Articles.

¹¹ One *Koku* = 5.13 bushels. The word *Koku* as applied to a *daimiō*'s revenue did not mean net revenue, but the total assessed yield of his territory in rice, or expressed in terms of rice. In order to ascertain the revenue of a feudal territory, or, in other words, the *daimiō*'s income, the portion of the assessed yield of the land which went to the cultivator had first to be deducted.

Imperial Decree conferring the appointment of Shōgun, 20,000,000 *Koku* have been allotted to members of the military class¹² who have rendered loyal service. The remaining 8,190,000 *Koku*¹³ are retained [by the Shōgun], and from this source will be defrayed the cost of guarding the Imperial Palace. This is the ancient practice which has been followed since the time of *Kamakura-dono* [Yoritomo].

18. From the date of the Imperial sanction to the Shōgun's appointment three special distinctions are conferred by the Shōgun. To [the family of] *Ō* is given [the right to display] a gold emblem in the form of *go-hei*.¹⁴ This is a distinction of the first rank. To [the family of] *Honda* is given [the right to display] a silver emblem in the form of *go-hei*. This is a distinction of the second rank. To [the family of] *Murakami* is given [the right to display] a paper emblem in the form of *go-hei*. This is a distinction of the third rank. The rules concerning these distinctions are as stated in the Records.

19. Military power must not be exercised arrogantly in such manner as to bring the Imperial dignity into contempt, and disturb the proper relations between heaven and earth, between ruler and subject. The duty of a ruler is to give tranquillity and happiness to the people, not to increase the glory of his ancestors, or add to the grandeur of his descendants. It should be recognized that the sacred virtue of beneficent military rule lies in making this the chief object [of administration].

20. Should any *Kokushi* (lord of a province), or *Riōshiu* (lord of a territory), however large his revenues may be, fail in the execution of his duty to give tranquillity to the people, he shall be punished by deprivation of his official post, and removal to a remote place. This is what is meant by the benevolence of military rule.

21. The fixed rules of precedence for officials at the Shōgun's Court, and elsewhere, are for the most part based on the precedents established by *Kamakura-dono* (Yoritomo); but they should

¹² *Shoshi*, the term used, means in this context feudal chieftains, and not the rank and file of the military class.

In the corresponding articles of other versions the words *daimiō* and *shōmiō* occur in the place of *Shoshi*. The meaning is thus made quite clear, the more so as the words "as revenue" are added.

¹³ It must of course be understood that the distribution referred to in this article is in each case that of *territory*, although the assessed annual yield in rice is alone mentioned.

¹⁴ The term applied to the paper offerings made to Shintō shrines.

be amended in accordance with changing customs, and such amendments carefully recorded. Members of the military class should with unremitting diligence strive to render loyal service in this respect. Copies of these records should be posted up, as a guide to all, at the gates of the Castle. This matter should be made clear. Accordingly, the precedence is hereby recorded as follows:—

- The Minister-Regent (*Tairō*).¹⁵
- „ Grand Steward of the Shōgun's Household (*Ōrusui*).¹⁶
- „ Council of State (*Tairōjiū*).
- „ Secretaries to Council of State (*Soba Yōnin*).
- „ Junior Council of State (*Shōrōjiū*).
- „ Resident at Kyōto (*Shoshidai*).
- „ Governor (*Jōdai*) of Osaka.
- „ „ „ „ Sumpu.
- „ „ „ „ Kunō.
- Reporters to the Throne (*Sōsha*).
- Kōké*.¹⁷
- Superintendents of Buddhist and Shintō temples (*Jisha-bugiō*).
- Steward of the Inner Household (*Oku-rusui*).
- „ „ „ Palace of the Shōgun's Heir (*Nishi-maru-rusui*).
- Ōmetsuké*.¹⁸
- Guards,¹⁹ or attendants, on duty in the Castle apartments (*Koshō-gumi*).
- Guards,¹⁹ or personal attendants, on duty in the Castle apartments (*Sho-in-gumi*).
- Night-guards on duty in the Castle apartments (*Nezuban-gumi*).
- Guards¹⁹ on duty in the inner apartments of the Castle Ladies.
- Guards on duty in the outer apartments of the Castle Ladies.

¹⁵ The term applied to the Minister appointed, during the minority of a Shōgun, to the presidency of the Council of State in times of emergency. The position was equivalent to that of Regent.

¹⁶ An office created, according to Papinot (Historical and Geographical Dictionary of Japan) in 1632, during the rule of the Third Shōgun.

¹⁷ Officials charged with the regulation of questions affecting the joint interests of Court nobles and the feudal nobility.

¹⁸ See Introduction.

¹⁹ The other versions have "Commanders of Guards" in each case.

Attendants on duty in the inner apartments of the Castle Ladies.

Attendants on duty in the outer apartments of the Castle Ladies.

Castle guards.

The Resident²⁰ at Fushimi.

Governors of cities (*Machi-bugiō*).²¹

Superintendents of the Treasury (*Kanjō-bugiō*).

The keepers of the "Hibiscus" Chamber in the Castle.

" " " " "Goose" " " " "

" " " " "Paulownia" " " " "

Keepers of the Waiting Chamber.

Census Registrars (*Nō-ko*).

Keepers of the Apartments occupied by the Shōgun.

" " " Record Office.

Official Timekeepers (*Jikan-gashira*).

Keepers of Bows.

" " Flags.

Leaders of Vanguard of Shōgun's Escort.²²

Keepers of Curtains.²³

" " Spears.

" " Books.

Superintendents of Roads (*Dō-bō-gashira*).

Chinese scholars (*Jiu-sha*) attached to the Shōgun's Court.

Doctors (physicians and surgeons).

Keeper of the Castle Tower (*Tenshiu-gashira*).

Judicial officers (*Gimmi-yaku*).

Treasury officials.

Omoté-Métsuké (*Métsuké* on duty in the State Apartments of the Castle).

*Gwai-soku*²⁴ *Métsuké* (*Métsuké* in attendance on the Shōgun).

Couriers (*Tsukai-ban*).

Junior *Métsuké*.

Superintendents of Agriculture (*Kuro-kwa-sha*).

²⁰ This is apparently an error. There was no Resident (*Shoshidai*) at Fushimi. The title of the official in charge of the castle there was *Fushimi Bugiō*.

²¹ According to Papinot the four cities provided with governors were Kyōto, Yedo, Ōzaka, and Sumpu (Shizuoka).

²² *Senku Sakité-gumi*. Other versions have "Keepers of Swords."

²³ This does not appear in the other versions consulted.

²⁴ Or "To-soba."

Police Superintendents (*Chō-ji-sha*).

Superintendents of the Stables.

” ” ” Kitchen.

Commanders of the Iga²⁵ Corps.

Subordinate officials.

Should there be deficiencies in the above list, they may be supplied.

*22. It is an established principle of this country that distinguished services rendered by members of the military class, who have women dependents,²⁶ should not be overlooked. This principle must be carefully observed by the Shōgun's House.

*23. Benevolence is the source of civil and military pursuits alike. The same influence controls all the affairs of life. Therein lies the secret of good government and national tranquillity.

*24. All military books say :—“ There is nothing better than showing affection for the military man.” There are different kinds of affection. The affection meant is not that which is inspired by interest, or policy, but that which proceeds from benevolence. If the superior shews benevolence, the subordinate will always be loyal.

25. The country does not belong to everyone; nor is it the country of one man. It is simply a question of benevolence, which must be carefully studied.

26. Benevolence is natural to all. It is inculcated in the four family precepts^{26a} and the nine standard rules of government.^{26b} This should always be borne in mind.

*27. Those who disobey these regulations which I have established, even though they be eldest sons, and real children,²⁷ shall not be allowed to succeed to the headship of the family. In such cases the Minister-Regent and Councillors of State shall

²⁵ Name of a province.

²⁶ Literally “ wives and concubines.”

^{26a} Inculcating industry, economy, respect, and consideration for others.

^{26b} These were, as stated in the “ Doctrine of the Mean,” (1) the cultivation of one's own character; (2) the honouring of men of virtue and talents; (3) affection for relatives; (4) respect for Ministers of State; (5) kind and considerate treatment of the whole body of officials; (6) dealing with the mass of the people as children; (7) encouraging the resort of all classes of artizans; (8) indulgent treatment of men from a distance; and (9) the kindly cherishing of the princes of the States.

²⁷ Namely, not adopted. The term *Jisshi* in Japanese is used to distinguish a real child from *Yōshi*, an adopted child.

consult together and choose a suitable successor from the members of the family²⁸ in question.

28. The rules of family succession in the case of *Kokushi* (lords of provinces), *Riōshiu* (lords of territories), and *Shi-tai-fu*,^{28a} who may or may not be connected with them, are different from those of family succession in the Shōgun's House. If the son is a real son, and not adopted, he shall be appointed as heir, even though the mother be different. Should such son die before reaching the age of 15, a younger brother shall be chosen. Should there be no younger brother, even if application for leave to adopt an heir be made, it shall not be granted. Should such son die after attaining the age of 16 years, or more, succession by adoption shall be ordered. This is an ancient rule dating from the time of the *Obuki-no-suké*²⁹ of this House.

29. In the distribution of rewards and punishments no action in either direction should be taken on the judgment of a single person. Such awards should be based on the collective opinion of several persons.³⁰

30. According to the Great Law respecting military service to be rendered by *Kokushi* (lords of provinces), and *Riōshiu* (lords of territories), five knights are supplied when the revenue of the fief is 1,000 *Koku*,³¹ fifty when it is 10,000 *Koku*, five hundred when it is 100,000 *Koku*, and one thousand when it is 200,000 *Koku*. This last number of troops constitutes a "military division." The commander of three of these divisions is a general of the first rank; the commander of two divisions is a general of the second rank; and the commander of one division is a general of the third rank. The services to be rendered shall be apportioned according to the responsibility of the position held.

31. In every respect old laws should be followed, and the operation of new regulations suspended.

32. Should applications be made for leave to reclaim land for rice cultivation, enquiry should be made, and, if there is no

²⁸ The term *Kamon* (家門) was applied to the feudal Houses closely related to the Tokugawa Family. Here it probably refers simply to the family of the daimiō concerned.

^{28a} See Note 1.

²⁹ Presumably an ancient Court title. The identity of the ancestor referred to is not clear.

³⁰ Literally members of the military class (士).

³¹ See Note 11.

objection to this being done, permission should be given. General regulations concerning reclamation of land have been in force since the time of *Utaishō-dono* (Yoritomo). Instructions on this subject should be issued to all officials.

33. ³²When quarrels and disputes occur, the parties concerned settle the matter (by fighting). In such cases the steps to be taken will depend on circumstances. The matter need not be enquired into after (the parties concerned) have left the scene of the encounter. If the children, or other descendants, of the person killed apply for leave to execute a vendetta, permission shall be given. But a succession of vendettas (arising one out of the other) must not be allowed.

34. The murder of a father, or feudal lord, is a crime of violence of an exceptional character. Therefore the punishment must also be exceptional. In such cases the relatives (of the offender) up to the tenth degree of relationship shall all be executed.

*35. In accordance with the saying:—"In times of peace bear in mind civil war," *fudai* daimios should not neglect military arts. Each should give attention to his conduct in this respect.

36. The sword is the soul of a warrior (*bushi*). To forget or mislay it is unpardonable.

*37. The phrase: "The drum of remonstrance is covered with moss" was used at a foreign Court as a term of rejoicing over a long peace. Such a thing never really occurred. The taste for military weapons must be revived.

*38. We are taught to be on our guard against robbers, whose intrusion we are unable to foresee. But if the (causes of the) downfall of governments be studied, it will be seen that what is always to be guarded against is the insidious effects of drunkenness and lust. Those who cannot restrain themselves from indulgence in these respects should commit suicide, or resign their official posts.

*39. He who desires to succeed in his task must obey these my instructions. Councillors of State must take counsel together, and feudal lords and their vassals³³ must co-operate in carrying

³² The original text of the first two sentences is obscure.

³³ *Kunshin* (君臣). The exact meaning depends on the context. It may mean rulers and their ministers, or ruler and subject, or again master and servant.

out these instructions. No one can for a moment be free to follow his own inclinations.

*40. The Great Morality, as it is called, consists in the strict observance of the five precepts governing the social relations between rulers and subjects, parents and children, husband and wife, elder and younger brothers, and between friends. Eight or nine out of every ten members of the military class act in conformity with this Great Morality. But occasionally, amongst high and low alike, there are to be found persons who violate marital relations and carry on illicit intercourse. When such offences are discovered both parties are punished. This principle has always been followed, both now and in the past. The penalties and punishments are the same in cases where the offenders are feudal retainers, female attendants, or friends. In the case of common people, and the lower classes, the grant of pardon to the offender will depend on the circumstances of the case. Where hermaphrodites are concerned the offence cannot be considered as grave. In meting out punishment in these cases careful consideration should be given.

*41. Those who flatter and fawn upon persons in authority should be regarded as sycophants. Those who do not use flattery, and whose words and actions are honest, should be recognized as loyal retainers.³⁴

*42. Should the descendants of feudal vassals who have rendered loyal service to my ancestors do wrong, their families shall not be extinguished except in cases of Treason.

*43. Even those members of my personal suite (*Kinshin*),³⁵ who follow my views, shall not be allowed to usurp the authority of Councillors of State.

44. Indirect vassals (*Baishin*), however large their revenues may be, shall not in ceremonial matters be treated as direct vassals (*Jikisan*), namely, on the same footing as the feudal nobility related to the Tokugawa House (*Kamon*).

45. Common people who behave unbecomingly to members of the military class, or who show want of respect to direct or indirect vassals, may be cut down on the spot.

46. In cases of deliberate murder, where the offender lay hid and so killed the other, an associate in the crime shall be

³⁴ Shin (臣). It has a wide meaning. In this passage it may also be rendered by the word "ministers."

³⁵ The *Kinshin* (近臣) included both civil and military officials.

punished if the relatives make an application to this effect. In such cases members of the military class must be treated differently from farmers, artisans, and merchants.

*47. Though Confucianism, Taoism,³⁶ and Buddhism are all different in character, the object of all three alike is to lead people towards what is good, and punish evil. There is no objection to professing these religions, and adopting their principles in accordance with individual opinion. All religious contention must, however, be suppressed. My study of the past has shewn me that such contention is not good for the country.

48. A descendant of the Emperor Seiwa, I speak with humility, I was born in troubled times, and was long hard pressed by rebels. Having assembled a "righteous army,"³⁷ I fought seventy-three pitched battles, and looked death in the face on eighteen occasions. Relying on the help of the Jōdo sect of Buddhists I escaped dangers similar to the risks run by goats that butt against their enclosures, and now I hold the titles of *Sō-Tsui-ho-shi*,³⁸ and *Bettō* (President) of the two Colleges.³⁹ In accordance with established precedent I have founded in the territories of *Fudai* daimios eighteen Buddhist temples. My descendants must, therefore, always belong to the Jōdo sect.

49. In removing the temple of Hiyeizan to Yedo there was no idea of imitating the Imperial Palace (at Kyōto), of establishing the seat of government in the East, or of copying the arrogance of the Taira family. The castle in which the Shōgun resides serves as a protection to the Imperial Palace (at Kyōto). The reason for preferring a request for permission to establish a House of Imperial Princes of the Tendai sect of Buddhists was the wish to establish protective measures for the repression of evil and the destruction of violence.

³⁶ The original text has *Shintō*, which is evidently a mistake for *Sen-tō* (仙道), the term applied to Taoism. Foreign religions are clearly referred to. No permission could possibly be necessary for professing the native Shintō faith. The additional Article, which appears in other versions, makes the matter quite clear. See also Appendix 6.

³⁷ *Gihei*, a Chinese term applied (1) to loyal as opposed to rebel troops, or (2) to any army fighting in a just cause.

³⁸ In early times provincial governors were termed *Tsui-ho-shi* (or *Tsui-bu-shi*). *Sō-Tsui-ho-shi* (Governor-in-Chief) was a title given to himself by Yoritomo.

³⁹ The two Colleges were the *Jun-wa-in* and *Shō-gaku-in*, established for youths of the Miamoto family in Kyoto. Both offices in the course of time fell into disuse, but the titles survived as honorary titles for the Tokugawa Shōguns.

50. In the matter of administration ancient precedents of the Tokugawa House, and not those of other Houses, should be followed. Nevertheless, once a Shōgun is appointed, the act is immutable.

51. As to whether the regulations of other Houses should be adopted or not, the views of the *Naifu*⁴⁰ Komatsu-dono shall be followed.

52. The taxes paid throughout the country, in addition to the various services (including corvée) and the land tax, are paid by the people in return for favours received. These are collected by the Shōgun and given to members of the military class. It should be understood that these payments are given as official salaries, and are quite distinct from feudal revenues. This practice was introduced by Kamakura-dono (Yoritomo).

53. The conduct of lords of provinces (*Kokushi*) and lords of territories (*Riōshiu*), great and small alike, must be made to correspond with their official salaries and dignity. Should any such persons transgress in this respect, they must be punished. The Shōgun must be still more careful to uphold the dignity of his position.

54. Hunting and hawking are not frivolous amusements. They are pastimes in which military officials both at home and abroad have indulged from time immemorial. There are regulations concerning hunting, and the practice of archery and horsemanship is encouraged in obedience to the Imperial wishes. Members of the military class must, however, understand that these pursuits should be exercised in moderation.

*55. If the government is lax, disorders break out and increase, and the people are exhausted. To steer a middle course between laxity and severity is to know the art of leadership.

*56. The sword glitters even in a basket. It is by virtue of the sword that the northern barbarians are subdued. When the sword leaves its scabbard, its virtue cannot be praised enough. The warrior, while yet in the womb, subdues the enemy's forces. It is by virtue of military talent that a commander leads an army to battle. Therefore a general who is deficient in military skill should clearly recognize the fact.

⁴⁰ The personage referred to is Taira Shigémori, the eldest son of Kiyomori. His wise counsel acted as a check on his father's tyrannical government, and to his early death the downfall of the Taira family is attributed. *Naifu* is another term for the fourth Minister of State—*Naidaijin*.

*57. The use of the bow and of fire-arms, and fencing with spear, halberd and sword, are all accomplishments which are the special acquirements of a knight. The training of members of the military class thus demands no small skill. How much more so is the case with those who command them! Although they may be unable to attain the same excellence, commanders of troops should aspire to the standard set up by I, Wan, Lü and Mêng.⁴¹

*58. A member of the military class who does not understand the art of war, who is ignorant of military principles, cannot be a good general. He may by dint of skilful stratagems and clever plans win victories, but he can never rise to the position of *Sei-i-tai-shōgun*. This should be understood.

*59. The 1st, 15th and 28th days of each month are the fixed ceremonial days. With reference to attendance at the Shōgun's Court on the first and last days of the year, on the five holidays,⁴² and on the occasion of the festival in the year of the Boar, etc., the usual course of purification is to be followed, notice is to be given to the Throne, and the Shōgun will personally receive the congratulations of the assembled feudatories. The ceremonial to be observed on these occasions will be that laid down in the official records. No departure from established rules is permitted. Should the Shōgun be indisposed, he will direct the Minister-Regent, or other Councillors of State, to act for him. The rules of ceremonial etiquette must in these cases be strictly observed.

*60. Worship at⁴³ ancestral shrines must be conducted according to the ceremonial laid down in official records.

*61. A Minister-Regent and State functionaries, when advanced in years, should be treated with the consideration shown by King Mo to the Prince Chao.⁴⁴

62. Yedo castle is favourably situated. It is conveniently encircled by mountains and sea, and the land is fertile. Accordingly I have made it the chief castle for my descendants. The

⁴¹ Ancient Chinese generals.

⁴² The *Go-Sekku*. These were on the 7th January, the 3rd March, the 5th May, the 7th July, and the 9th September.

The Boar was one of the Zodiacal Signs under which, according to the old calendar, the years were classed.

⁴³ Here the worship of the spirits of deceased Emperors and distinguished personages only is evidently referred to,—not that of family ancestors.

⁴⁴ Personages in ancient Chinese history.

feudatory castles⁴⁵ dependent on it are those of Odawara, Kawagoyé, Iwatsuki, Takasaki, Oshi, Mayebashi, Sekiyado, Sakura, Koga, Utsunomiya, Shimodaté, Kasama, Karasuyama, Kesshiro,⁴⁶ and Omigawa. They are always to be given to reliable *Fudai* vassals, and never to *Tozama* daimios.

63. The three castles of Nijō (Kyōto), Ōsaka and Sumpu (Shizuoka) must always be entrusted to the care of *fudai* vassals, who will watch over the security of the Western Sea.⁴⁷ Should grave disturbances arise they will be handed over to the three chief generals, and will be guarded by Imperial troops.

*64. In employing people ability must be recognized. *Fudai* vassals (of talent) should be promoted to the Legislative Chamber, and *Tozama* daimios (of talent) should be raised in rank. When this is not done, domestic and foreign troubles arise, and loyal vassals destroy themselves. It is an universal law that wisdom is not given to every man. This fact should be carefully borne in mind.

*65. Ordinary official service shall be governed by the regulations I have established. But to employ talent found in a distant place shall not be regarded as a great sin.

66. The reason for causing daimios, whether of the *Tozama* or *Fudai* class, to make an exchange of fiefs after a certain term of years is that if a daimio remains for a long time in the same territory his character becomes weakened, in which case he is apt to behave tyrannically, and the people consequently suffer. The exchange of fiefs will depend on a daimio's conduct as ruler.

67. When surgeons and physicians have given proof of conspicuous skill they shall be remunerated for the services rendered. Large permanent salaries shall not be given, for in such cases their descendants will become lazy, and will neglect their work. Even in medical science the loyalty of persons varies.

⁴⁵ Other versions give only nine of the fifteen here named.

⁴⁶ This castle does not appear in feudal maps.

⁴⁷ Other versions have "the thirty-three western provinces."

The "Western Sea" (*Saikai*) was a general term applied to the country west of the Ōzaka pass near Lake Biwa in the province of Ōmi, (where one of the sixteen regular barriers, or guard-houses, was established). Later on the Hakoné Pass near the lake of that name (where there was a similar barrier) became the dividing line between east (*Kwantō*) and west (*Kwansei*).

The term *Saikai-dō* (Western Sea Road, or Circuit), on the other hand, was applied to the nine provinces of Kiūshiū, together with the islands of Iki and Tsushima.

*68. Although this country is the celebrated land of (the Emperor) Jimmu, it is, in civil arts, inferior to foreign countries. It will, therefore, be well to establish colleges, and thus spread abroad the glory of the country.

*69. Once every month appeals from Judicial Courts will be examined, and, when the matter in dispute is not clear, the officials concerned will be interrogated, and the action of the *bugiō* enquired into, and rectified.

*70. If the ruler respects himself, his Ministers follow his example, and this conduct extends to (all) members of the military class, and to the common people. There is thus no confusion, and the divine principle is observed.

*71. The justice of natural laws is well known. If conduct is not examined and rectified, and wrong-doing is not recognized, the ruin of great families, and of the State itself, is the certain result. It is essential to understand that it is wrong to be conscious of a fault, and not correct it.

*72.⁴⁸ From olden times there have been persons of a retiring disposition who have withdrawn from the world and lived in seclusion in Buddhist or Shintō temples, or as hermits in the mountains. There are also unfortunate incidents in the past of quarrels and strong complaints about precedence and titles. In such cases fixed rules should be drawn up, and the matters sent for adjudication to the Judicial Courts. No partiality, however, must be shown by the office dealing with petitions emanating from the Throne.

*73. In this country, as abroad, respect is invariably paid to ancestors in accordance with divine injunctions. When remote descendants are unable to maintain their rank or social position, it is because they have failed to observe the instructions bequeathed to them by their ancestors. The following are instances of such faults.

*74. Minamoto Taméyoshi, of the Seiwa branch of that family, forgot the instructions bequeathed by (his ancestor) Prince Sadazumi.⁴⁹ Minamoto Yoshinori, of the Saga branch of that family, neglected the excellent instructions bequeathed by (his ancestor) Korémoto. Minamoto Hidékatsu, of the Uda branch of that family, forgot the family instructions bequeathed by (his ancestor) Moriyoshi. The families of Kiyowara Tsuné,

⁴⁸ Two quite unconnected subjects are dealt with in this Article.

⁴⁹ Son of the Emperor Seiwa.

Nakatomi, Tachibana, Sugawara, Ariwara, Kimiyaka, and Toyowara all died out because their descendants forgot the teaching of their ancestors who founded those families.

*75. Three (Chinese) dynasties also (by similar disobedience) came to an end. Kit, of the Hsia dynasty (B.C. 2205-1766), forgot the teaching of King Ü (the founder of the dynasty). Chau, of the Yin dynasty (B.C. 1401-1122), disturbed the wise laws of King T'ang (the founder of the Yin dynasty, the original name of which was Shang). Yau Lai, of the Chow dynasty (B.C. 1122-249), neglected both the civil and military branches of government. Similar instances have occurred in the successive dynasties which have been established since the Ts'in dynasty (B.C. 249-206), and Han dynasty (B.C. 206-25). Should any of my descendants in like manner disobey my instructions, no exception will be made in their favour. Let this be a warning to all succeeding Shōguns.

*76. If a ruler does not sympathize with his people's sufferings, the people will not be moved by their ruler's distress. Even when a government is not wholly bad violent acts will occur. This is the meaning of the saying:—"When the ruler loves benevolence a country has no enemies."

*77. Amongst *Tozama* daimios of the *Kokushi* class with large revenues there are some whose family customs and ancestral instructions do not conform to those of this House. Should, however, such family customs and ancestral instructions violate the great principles of the military class, such persons, even though they be not rebels, should be punished by forfeiture of their fiefs. It is the duty of the Shōgun to do this as a warning of what may cause the ruin of the State.

78. Nagasaki, in Hizen, is the port of arrival for ships coming from abroad. It shall be governed, on behalf of the Shōgunate,⁵⁰ by a trustworthy vassal chosen from the *Fudai* daimiōs. One of the neighbouring great daimiōs shall be ordered to guard it. Thus will the god-like military defence of this country be made known to the world. Vessels are strictly forbidden to come to any other port.

79. The treatment to be accorded to foreign envoys shall be such as is laid down in ancient regulations. They must be treated with courtesy, for thus will the sacred virtue of the

⁵⁰ Namely, placed under the direct control of the Yedo Government, as was the case with many feudal fiefs.

country and its divine warlike strength be made to shine abroad.

*80. When a new Shōgun holds a Court for the purpose of announcing his succession to the Shōgunate, and receiving the congratulations of the feudal nobility, the latter shall, as on previous occasions, be made to inscribe, collectively, in the Ceremonial Register of Fealty an Oath of Fealty, and seal it with their blood. They shall also personally vow to obey the instructions I have bequeathed to my descendants. This joint covenant must not be forgotten.

*81. The sins of all countries are due to want of virtue in the sovereigns. If Japan is not tranquil this is due to the imperfections of the Shōgun. Virtue lies in doing everything with all one's energies. It exists equally in all classes of the people. Those in high places for their own sakes must never forget this.

*82. From my early years I have attached little value to gold or silver or jewels. To my mind the only treasure is good conduct. Now that I have reached the official position of Shōgun I never cease to be grateful for the golden words:—"Knowledge is happiness." My ideas should be followed.

*83. It is the custom of the country to regard the actions of the military class as the standard of conduct for the nation. In the reign of the Emperor Go-Komatsu the three feudal families of Hosokawa, Isshiki,⁵¹ and Ogasawara were established. They must not be destroyed.

*84. The procedure to be observed in audiences given by the Shōgun to envoys and deputy-envoys of the reigning Emperor, to those of abdicated Emperors, to those who represent the Imperial Palace, to those of the Empress and of the Crown Prince, to the families of Imperial Princes, to the five chief *Kugé* families (*Sekké*),⁵² to the feudal nobility, to the eight Councillors of State (*Sangi*), and to the nine High State Dignitaries (*Kiū-kei*), is that which is prescribed in ancient records. Discourtesy must be avoided.

85. Those, such as *Yéta* and beggars (*hōito*), who do not belong to any of the four classes of the people, blind men and women, and persons who are destitute and forlorn, have always from ancient times been pitied, and given nourishment. This,

⁵¹ According to Papinot (Historical and Geographical Dictionary of Japan), the Isshiki family came to an end during the long civil wars of the 16th Century.

⁵² These were:—Ichijō, Nijō, Kujō, Konoyé and Takatsukasa.

it should be borne in mind, is the beginning of benevolent government.

86. In castle towns, provincial capitals and other busy places, dancing girls, and other women of pleasure, who go out at night, are invariably to be found. People are thereby led into evil ways, but nevertheless it is wrong to prohibit such proceedings altogether. Persons, however, who are addicted to constant gambling, drunkenness and profligacy must be dealt with according to law.

87. Men are endowed with different characters. In the assignment of official duties a person's natural disposition must be enquired into, his intentions and views must be enquired into, and his ability tested. Then he may be promoted to higher posts. A saw cannot be used for cutting, nor can a sledge-hammer take the place of a knife. It is the same with men. There are times when clever people should be employed; others when it is well to use stupid persons. If a ruler and his subjects do not understand this principle of action, estrangement is produced.

88. Musical performances had their origin in songs. In ancient times sages introduced them, and discovering the five note mutations made melodious sounds. They invented musical instruments and soothed the people. During the middle ages music attained further development. Consequently the military class took delight in it. It drives away melancholy, is suited to peace rejoicings, and has a soothing influence upon all people.

*89. There are various kinds of dancing to music. There is the Emperor's music. There is the music of the feudal nobility. And there is the music of the *Shi-tai-fu*, and that of persons of lower rank. Each of these is a different kind. Care should be taken to maintain the exact limits which separate these different kinds.

*90. As a general rule there is some good in evil characters, and some evil in good characters. What is good must be taken, but not what is evil. What is evil must be rejected, but not what is good. What the Imperial Government does not regard as worthless should not be recklessly thrown away.

*91. Should one of the three chief Ministers of State, or the nine High Dignitaries of State, incur the Imperial displeasure, and be degraded, instructions shall be given to a daimio of the *Kokushi* class with large revenues to arrange for his banishment

to some distant place. No discourtesy must be shown. The law for dealing with such cases is not the same as that which applies to the four classes of the people.

92. It should be clearly understood and carefully borne in mind that when many cases of capital punishment occur, this is due to want of virtue in the Emperor above, and is a disgrace to the Shōgun below.⁵³

*93. Should any feudal noble of another House, even though he be a *Tozama* daimio of the *Kokushi* class, subordinate his views to those of this House, he may, after his conduct has been thoroughly tested, be permitted to take the place of a *Fudai* daimio in the Council of State.

*94. The customs of this House were originally established by the Utaishō (Yoritomo). They have no connection with those of other families. The *Fudai* members of the military class should be instructed that judgments should be given in accordance with the orders transmitted by the Councillors of State to the headmen of village groups.

*95. Men who have what is called a sound physique should cultivate one thing—endurance. Endurance is self-control. The seven kinds of emotions—joy, anger, anxiety, thought, grief, fear and astonishment—all depend on this. Not to give way to them is to have self-control. Though never robust myself, I have always borne this principle of endurance in mind. Those of my descendants who wish to follow my example should, besides observing the five cardinal precepts,⁵⁴ and the nine standard rules⁵⁵ of government, exercise self-control.

96. For three generations (of Shōguns) those who treat disease were called “doctors” (*I-shi* 醫師). For three generations (of Shōguns) certain members of the military class were called “ancient vassals” (*Ko-shin* 古臣). At the end of this period the term *Fudai* (“successive generations”) came to be applied to the relation between (the Shōgun as feudal lord) and certain of his vassals. This class of vassal is, therefore, no new

⁵³ Cf. “De l'esprit des Lois” (Vol. 1, p. 186):—“*C'est une remarque perpetuelle des auteurs chinois que plus dans leur empire on voyait augmenter les supplices plus la révolution étoit prochaine.*”

⁵⁴ Governing the five social relations between (1) parent and child; (2) ruler and subject (or feudal lord and vassal, or master and servant); (3) husband and wife; (4) elder and younger brothers (or generally between old and young); and (5) between friends.

⁵⁵ See note 26b.

thing which came suddenly into existence. Everywhere in the world the relation between lord and vassal exists. The *Fudai* members of the military class should not treat this as a light matter.

*97. Good and bad fortune, happiness, and calamity depend naturally on Heaven. It is very undesirable to devise schemes, and thus seek to obtain happiness.

*98. Benevolence exists everywhere. It is found in all ranks of society both at home and abroad. Like the sun and moon, it shines on good and bad alike. For this reason the Sages established the three⁵⁶ principles and eight rules which govern social relations, making them a firm and immutable law. One man rules the country, but it does not follow that all members of the military class, or all people in the country, are his vassals (臣). There is a distinction between this House, and other feudal Houses; between *Tozama* daimios and *Hatamoto*. Other feudal Houses have in certain respects their own spheres of authority. The *Fudai* members of the military class are connected with this House. Their ancestors in all cases did loyal service. Their actions are noted in historical records, where they may be clearly seen. Their attachment to the Shōgun exceeds that of other Houses. These feel no resentment on this account, because it is in the nature of things, being an ordinance of Heaven, the law of the general, the duty of the soldier, and the rule of benevolence. Those who neglect these my wishes are no descendants of mine.

*99. The Shōgun has received the Imperial mandate to chastise rebels throughout the country. This is what is meant by the term *Sō-Tsui-bu-shi* (Governor-in-Chief). Whatever the Shōgun orders is, therefore, the law of the land. Nevertheless each province and district have their own customs. The customs of the country east of the Hakoné Pass (*Kwantō*) cannot be followed in the country west of the Pass (*Hansei*).⁵⁷ The same is true of the South and North. Ancient usage should be followed without alteration.

⁵⁶ The first three of the five social relations mentioned in article 95.

⁵⁷ Originally the term applied to the country west of the Ōzaka Pass near Lake Biwa in the province of Ōmi. Later on in Tokugawa times the term was applied to the country west of the Hakoné Pass in the province of Sagami. The more usual term in the latter case was *Kwan-sei* or *Kwan-sai*, meaning west of the Barrier. See note 47.

*100. Law overcomes reason ; reason does not overcome law. Therefore the Sages, making full use of abundant reason, have established general laws, and thus determined the mode of government. When no official pronouncement is made there is occasion for people to go astray. Therefore law may be used to overthrow reason, but reason must not be used to overthrow law.

101. The articles laid down by me constitute the general basis for governing the country, and maintaining tranquillity, which is the duty of the Shōgun. I bequeath these precepts, set forth in detail, to my descendants. Mountains of pens and seas of ink would not suffice to write all that is to be said on the subject. I have merely recorded my views in this treatise. My adherents will refer to these articles for guidance a hundred years hence, and will discern my views therefrom. Those of my descendants who disobey these precepts are of no service to the Shōgun ; they are no descendants of mine.

The foregoing articles may only be read by my descendants and Councillors of State. Their perusal indiscriminately by others is forbidden. I have pondered them well in my mind. Do not, I earnestly beseech you, cause me to be ridiculed in my old age.

APPENDIX I.

[For convenience of reference, in the Comparative Table forming Appendix I., and in the List of Articles given in Appendix II., the *Kinreikō* text is described as the "Official Text," Mr. Lowder's translation by its title "The Legacy of Iyéyasu," while the two Japanese MS. copies are spoken of as the "*Odawara*" and "*Nikkō*" versions respectively. The numbers of the Articles in the "Legacy of Iyéyasu" were added by the translator, the Articles being originally unnumbered. The same course has been followed by the present writer for all the versions.]

The versions compared with the *Kinreikō* text in the following Table are :—Mr. J. F. Lowder's translation entitled "The Legacy of Iyéyasu," and described as having been made from three collated copies of the original ; and two Japanese manuscript copies.* One

* The translation given in Mr. Walter Dickson's "Japan" (William Blackwood & Sons, Edinburgh and London, 1869) has also been consulted. It has not, however, been included in Appendixes I. and II. because the original text used by the translator was evidently practically the same as those used for Mr. Lowder's translation.

of these manuscript versions professes to be copied from a manuscript deposited and kept secret in the Shintō temple at Nikkō, to which it was presented by a retainer of Iyéyasu named Hikozaka Kiūbei Morimitsu, who, on retiring from the world and entering the Buddhist priesthood, assumed the name of *Go-kuwō-in*, and joined the staff of priests at the temple in question. His descendants, it is added, were for successive generations the hosts of members of the Kishiū branch of the Tokugawa House, who lodged in the guest-chambers of the temple during their visits to Nikkō. This copy bears no date. A further Note states that the substance of the "Hundred Articles" was written by Tōshōgū Suruga Kunōzan,* that the document is intended for the perusal of the Council of State; and that it must be kept in the Government Offices, and shewn to no one. The original of the other copy appears from an endorsement to have been in the possession of the feudal lord of Odawara, a vassal of long standing of the Tokugawa House. The feudal family referred to is probably that of Okubo, which held this castle from 1590 to 1620, and again from 1686 until the Restoration. The copy is dated May 31, 1836, and contains the usual injunction as to secrecy.

* Posthumous names of Iyéyasu. Kunōzan was the name of the Buddhist temple near Sumpu (the modern town of Shidzuoka), in the province of Suruga, in the grounds of which Iyéyasu was first buried. Sumpu was his favourite residence. It was here that he lived after his abdication in 1605 until his death eleven years later.

COMPARISON OF TEXTS.

Number of Article in Official Text.	Subject.	Corresponding Articles in other Versions. ²			Remarks, ³ (Agreement or difference between "Official Text" and other Versions.)
		"The Legacy of Iyéyasu."	Odawara Version.	Nikkō Version.	
1	Importance of self-control	1	1	1	Wording identical.
2	Almsgiving to Buddhist priests and veneration of Shintō deities	Not in	other versions		Article 2 of other versions inculcates charity to widows, widowers, orphans, and childless persons. Article 3 has a reference to veneration of deities.
3	Succession to Shogunate in case of failure of heir	4	4	4	Wording nearly identical.
4	Distinction between <i>Tozama</i> and <i>Fudai</i> Daimios; giving list of certain feudal lords of latter class	7	7	7	Wording corresponds generally but with substantial differences. The number of <i>Tozama</i> daimios (as mentioned in "Official Text") is given in other versions as eighty-six. The number of <i>Fudai</i> <i>Kamon</i> families is also given as eighteen in two versions, but "Nikkō" version gives thirteen. The lists of certain <i>Fudai</i> daimios given in the "Official Text" and in "The Legacy of Iyéyasu" agree as regards number, but only seven are the same. The "Odawara" version has sixteen names, fourteen of which agree with those in "The Legacy of Iyéyasu," and thirteen with the list of thirteen names which are all that the "Nikkō" version gives. Only four names—those of Itakura, Okubo, Ogasawara and Abé—are common to all four texts. No mention in "Official Text" of five feudal families to be treated as "guests."
5		9	9	42	

¹ No numbers are given in the Japanese texts. The numbers here given simply denote the order in which the articles appear in each version.

² The *correspondence* mentioned relates only to cases where the subjects of the articles correspond more or less. It has no reference to wording, which usually differs.
³ In the absence of any statement to the contrary effect, it is to be understood that the wording in the three other versions is practically the same, however much it may differ from that of "Official Text."

COMPARISON OF TEXTS (continued).

Number of Article in "Official Text."	Subject.	Corresponding Articles in other Versions. ¹			Remarks. ² (Agreement or difference between "Official Text" and other Versions.)
		"The Legacy of Iyeyasu."	Odawara Version.	Nikkō Version.	
6	Yedo Castle; arrangement of guards, etc.	8	8	41 and supplementary article	Wording corresponds generally, but there are some differences. The supplementary article in "Nikkō" version gives further details.
7	Official precedence to be determined by age, salary and priority of appointment	12	11	44	Wording different. "Legacy" and "Odawara" versions identical, but mention of <i>Wakadoshiyori</i> in former clearly an error in translation. In <i>Nikkō</i> version portion of an article on another subject is included.
8	Laws relating to the military class . . .	6	6	6	Wording somewhat different.
9	The Six Liberal Arts . . .	Not in	other versions		
10	Judicial Courts . . .	13	12	8	Wording different.
11	Official corruption . . .	Not in	other versions		
12	Relations between four classes of nation . . .	"	"	"	
13	Administrative procedure; mistakes of long standing not to be rectified . . .	18	17	12	Wording practically identical.
14	Persons of ancient lineage in distant villages . . .	19	18	13	Wording slightly different.
15	Provincial boundaries; cutting of trees, etc.	41	39	34	Wording very different; other versions, too, speak of <i>fejs</i> not <i>provinces</i> .
16	Punishments for crime . . .	21	20	15	Other versions mention rewards as well as punishments; wording in other respects, too, very different.

¹ ² See notes on first page of this Comparative Table.

COMPARISON OF TEXTS (continued).

Number of Article in Official Text. ¹	Subject.	Corresponding Articles in other Versions. ²		Remarks. ³ (Agreement or difference between "Official Text" and other Versions.)
		"The Legacy of Iyeyasu."	Nikkō Version. Odawara Version.	
17	Distribution of National Revenue, and in effect of territory	5	5	Agrees on the whole, but other versions have an opening sentence, not in "Official Text," regarding etiquette to be observed on appointment of new Shōgun.
18	Privileges given to Ii, Honda and Murakami	40	38	Wording practically identical.
19	Warning against military arrogance on part of Shogunate	77	75	Wording different.
20	Misgovernment of fiefs by Daimios	{ 10 11	{ 43 44	Wording very different. Article 10 of "Odawara" version is separated into two articles in the other versions. The first portion of it—which becomes Articles 10 and 43 respectively in the other versions—agrees to some extent with Article 42 of the "Official Text."
21	Order of official precedence	14	13	Agrees on the whole, but there are many differences of wording.
22	Women dependents of members of military class	Not in	other versions	
23	Importance of benevolence	"	"	
24	Ditto ditto	"	"	
25	Ditto ditto	"	"	The first sentence of this article occurs in Article 47 of "The Legacy of Iyeyasu" (Articles 45 and 40 respectively of the other versions) which deals with adoption.

^{1 2 3} See notes on first page of this Comparative Table.

COMPARISON OF TEXTS (continued).

Number of Article in Official Text.	Subject.	Corresponding Articles in other Versions. ³			Remarks ³ (Agreement or difference between "Official Text" and other Versions.)
		"The Legacy of Iyeyasu."	Odawara Version.	Nikkō Version.	
26	Importance of benevolence	Not in	other versions		
27	Penalty for non-observance of the "Hundred Articles"	"	"	"	
28	Succession and adoption	47	45	40	Wording very different.
29	Rewards and punishments; decision of more than one judge necessary	Not in	other versions		Wording practically identical.
30	Feudal contingents	39	37	32	
31	Old laws always to be retained	Not in	other versions		
32	Reclamation of land	{ 16	{ 15 } 16	11	Wording very different.
33	Affrays	43	41	36	Wording very different.
34	Murder of father or feudal lord	53	51	51	Wording quite different. Other versions mention feudal lord only.
35	Warning against neglect of military arts in times of peace	Not in	other versions		Wording identical.
36	The sword the soul of a soldier	37	35	30	
37	The importance of military arts	Not in	other versions		
38	Warning against drunkenness, etc.	"	"	"	
39	Necessity of observing the "Hundred Articles"	"	"	"	
40	The Great Morality	"	"	"	

1 2 3 See notes on first page of this Comparative Table.

COMPARISON OF TEXTS (continued).

Number of Article in "Official Text."	Subject.	Corresponding Articles in other Versions. ²			Remarks ³ (Agreement or difference between "Official Text" and other Versions.)
		"The Legacy of Iyeyasu."	Odawara Version.	Nikkō Version.	
41	Flatterers and sycophants	85	83	82	Wording very different.
42	Loyal vassals; families not to be extinguished save in cases of treason	10	10	43	See remarks on Article 20 of "Official Text."
43	Even <i>Kinskin</i> not permitted to usurp authority of Councillors of State	Not in	other versions		
44	Direct and indirect vassals	42	40	35	Wording very different. Wording of two other versions appears contrary to meaning of article.
45	Warning against rudeness to members of the military class	45	43	38	Wording quite different.
46	Deliberate murder	44	42	37	Wording different. Distinction between classes in "Official Text" not in other versions, which, moreover, refer also to poisoners and robbers.
47	Religions	31	29	24	Wording different. No mention of Christian religion in "Official Text."
48	Iyeyasu's campaigns before he became Shōgun	{ 27	{ 26	{ 21	Wording very different.
		{ 28	{ 27	{ 22	
49	Yeizan temple in Yedo	{ 29	{ 28	{ 23	Wording very different.
		{ 30	{ 28	{ 23	
50	Administration; Rules of Tokugawa	74	72	72	Wording very different; no mention of administration in other versions.
51	House to be followed				

^{1 2 3} See notes on first page of this Comparative Table.

COMPARISON OF TEXTS (continued).

1 Number of Article in Official Text.	Subject.	1 Corresponding Articles in other Versions. ²			Remarks. ³ (Agreement or difference between "Official Text" and other Versions.)
		"The Legacy of Iyeyasu."	Odawara Version.	Nikkō Version.	
52	Taxes	Not in	other versions	Article 67 of "Legacy of Iyeyasu" (65 in other versions) refers to a special class of taxes (transit duties and maritime tolls) the proceeds of which were to be used to defray the expenses of the Imperial Household.	
53	Conduct of feudal nobility and even of Shōgun to be in conformity with dignity of their position	"	"	An allusion to the subject occurs in Article 93 of "Legacy of Iyeyasu" (Articles 91 and 90 respectively of other versions), but it is treated quite differently.	
54	Hunting and hawking	24	23	18	Wording quite different. In other versions fishing with cormorants, hawking and hunting are mentioned.
55	Danger of lax government	Not in	other versions		
56	Importance of military skill				
57	Ditto	"	"	"	
58	Ditto	"	"	"	
59	Ceremonial audiences of Shōgun on public holidays	"	"	"	The point is, however, mentioned incidentally in other versions.
60	Worship at ancestral shrines	"	"	"	Article 94 of "Legacy" (Articles 92 and 91 respectively of other versions) prohibits music on public holidays during period of Imperial Court mourning.
61	Consideration to be shown to aged statesmen	"	"	"	

1 2 * See notes on first page of this Comparative Table.

COMPARISON OF TEXTS (continued).

Number of Article in "Official Text."	Subject.	Corresponding Articles in other Versions. ¹			Remarks. ² (Agreement or difference between "Official Text" and other Versions.)
		"The Legacy of Iyeyasu."	Odawara Version.	Nikkō Version.	
62	Yedo Castle, and dependent feudatory castles	56	54	54	Wording different. Other versions give only nine feudatory castles instead of fifteen; excellence of situation of Yedo Castle also not mentioned.
63	Castles of Nijō, Ōzaka and Sumpu	(57 58 60	(55 56 57	(55 56 57	Wording very different. Other versions mention Fushimi Castle in addition to the three named in "Official Text."
64 } 65 } 66 }	Official employment; talent to be recognized Exchange of fiefs	Not in 49	other versions 47	47	Wording different. In other versions <i>Kōkushū</i> daimos of long standing are excepted from operation of this rule. Exchange also, according to these, to be made annually; in "Official Text" after a term of years. Wording different. No distinction between surgeons and physicians made in other versions. There is, however, a reference to military colleges.
67	Doctors	34	32	27	
68	Colleges	Not in	other versions		
69	Judicial appeals	"	"	"	
70	Self-respect	"	"	"	
71	Importance of correcting private faults	"	"	"	
72	Hermits; and complaints regarding precedence	"	"	"	

¹ ² See notes on first page of this Comparative Table.

COMPARISON OF TEXTS (continued).

Number of Article in "Official Text."	Subject.	Corresponding Articles in other Versions. ²		Remarks. ³ (Agreement or difference between "Official Text" and other Versions.)		
		"The Legacy of Iyeyasu."	Odawara Version.		Nikkō Version.	
73	Importance of obedience to instructions bequeathed by ancestors	Not in	other versions			
74					"	"
75					"	"
76	Importance of benevolence and sympathy	"	"			
77	Family customs of <i>Tozama Kokushū</i> daimios	64	62	62	Working different.	
78	Port of Nagasaki	96	94	93	Working quite different. Other versions have also an additional article regarding visits of foreign vessels.	
79	Visits of foreign envoys	Not in	other versions			
80	Oath of fealty on succession of new Shōgun	"	"	"	A similar idea, however, occurs in other versions.	
81	Effects of want of virtue in Sovereign or Shōgun	"	"	"		
82	Eulogy of good conduct	"	"	"		
83	Military class sets standard of conduct for all	"	"	"		
84	Procedure at audiences given by Shōgun to envoys of Emperor, Empress, etc.	36	34	29	Wording different.	
85	Benevolence to be shown to Yéta, etc.	73	71	71	Wording very different.	
86	Social evils and profligacy	76	74	74	Wording very different; first portion of articles in other versions refers to subject of Articles 56, 57 and 58 of "Official Text."	
87	Individual difference of character and talents					

^{1 2 3} See notes on first page of this Comparative Table.

COMPARISON OF TEXTS (continued).

Number of Article in Official Text. ¹	Subject.	Corresponding Articles in other Versions. ²			Remarks. ³ (Agreement or difference between "Official Text" and other Versions.)
		"The Legacy of Iyéyasu."	Odawara Version.	Nikkō Version.	
88	Music	25	24	19	Wording very different.
89	Dancing to music	Not in	other versions	19	
90	Good and evil in all characters	"	"	"	Wording different; first portion of articles in other versions not in "Official Text."
91	Banishment of chief ministers of state	"	"	"	
92	Frequency of capital punishments the fault of Emperor and Shōgun	91	89	88	
93	Conditions for admission of Tozama daimios to Council of State	Not in	other versions		Wording different.
94	Tokugawa house customs	"	"	"	
95	Importance of cultivating endurance	"	"	"	Wording very different.
96	Fudai vassals	"	"	"	
97	Good and bad fortune ordained by Heaven	"	"	"	Wording very different.
98	Benevolence, and relations between Shōgun and feudal nobility	"	"	"	
99	Shōgun's authority and difference in local customs	98	96	95	
100	Conflict between law and reason	Not in	other versions		Wording very different.
101	The "Hundred Articles" constitute basis of government	"	"	"	
12		100	98	97	

¹ ² ³ See notes on first page of this Comparative Table.

APPENDIX II.
LIST OF ARTICLES OF OTHER VERSIONS WHICH ARE NOT IN "OFFICIAL TEXT."

Articles not in "Official Text."		Subject.	Remarks.
No. of Article in "Legacy of Iyēyasu."	No. of Article in "Nikkō" Version.		
2	2	Benevolence to be shown to widowers, widows, orphans and people without relatives.	Mentioned in "Official Text," but treated differently.
3	3	Veneration due to Deities.	
20	19	Attendance of Daimios at Yedo, and inspection of territories.	
48	46	Appointment and dismissal of officials.	
22	21	Caution to be exercised in receiving advice regarding administrative matters, and the distribution of rewards and punishments.	
23	22	Importance of military knowledge	
32	30	Observance of Confucian maxims promotes good government.	
33	31	Shintō chief priest to regulate matters relating to calendar and deities of agriculture under supervision of military authorities.	
35	33	Importance of early marriage.	
38	34	Register made in 1592.	
46	44	Adoption.	
47	45	Connubial infidelity in people below military class.	
50	48	Illicit intercourse in the case of military class.	
51	49		

LIST OF ARTICLES OF OTHER VERSIONS WHICH ARE NOT IN "OFFICIAL TEXT" (continued).

Articles not in "Official Text."			Subject.	Remarks.
No. of Article in "Legacy of Iveyasu."	No. of Article in "Odawara Version."	No. of Article in "Nikko" Version.		
52	50	50	Execution of vendettas under official sanction.	
54	52	52	Wives and concubines.	
55	53	53	Division of duties between man and wife.	
59	58	58	Guard-houses for control of communications and general supervision.	
61	59	59	Revival of office of military Governor of Kiūshū This had been in obedience since 1333.
62	60	60	Arrangements for guard-houses attached to Yedo Castle.	
63	61	61	Duties of Daimios when in attendance at Yedo.	
65	63	63	Damage to roads, &c., caused by earthquakes and storms to be repaired by provincial authorities.	
66	64	64	Roads.	
67	65	65	Tolls levied at passes, ferries and ports to be used for defraying expenses of Imperial Household.	
68	66	66	Prohibiting building, or growth of trees, causing interference with agriculture.	
69	67	67	Repair of roads, bridges and aqueducts.	
70	68	68	Relations between lord and vassal ; golden rule of conduct to be observed.	
71	69	69	Religions
72	70	70	Religions

Another article on this subject occurs both in "Official Text" and other versions.

LIST OF ARTICLES OF OTHER VERSIONS WHICH ARE NOT IN "OFFICIAL TEXT" (continued).

Articles not in "Official Text."			Subject.	Remarks.
No. of Article in "Legacy of Odawara Iyeyasu."	No. of Article in "Odawara" Version.	No. of Article in "Nikka" Version.		
75	73	73	Forbidding suicide on the death of a feudal lord. Respect due to Imperial Princes, Court Nobles and five Guests of Honour. Territories of <i>Gosanké</i> and other <i>Kamon</i> not to be divided. Daimios with revenues of 100,000 <i>kokû</i> of rice, or more, and certain high officials to be treated on the same footing as lords of provinces and lords of castles. Enjoining careful behaviour on the part of Daimios' suites on their way to and from Yedo. Charges for hire of boats, horses and men when travelling to be on regulated scale. Presents to be given to Gorôjûi by Daimios on leaving Yedo. Warning against flattery and bribery of high officials. Erection of temples and monasteries; dispute with Chief Priest of Tendai sect of Buddhists. Offices conferred on Shôgun on his appointment; rules regarding purification to be strictly observed. Warning against gambling and drinking. Incendiaries, forgers and poisoners to be punished by burning, crucifixion, &c. Investigation of crime.	
78	76	76		
79	77	77		
80	78	77		
81	79	78		
82	80	79		
83	81	80		
84	82	81		
85	83	82		
86	84	83		
87	85	84		
88	86	85		
89	87	86		
90	88	87		

LIST OF ARTICLES OF OTHER VERSIONS WHICH ARE NOT IN "OFFICIAL TEXT" (continued).

Articles not in "Official Text."			Subject.	Remarks.
No. of Article in "Legacy of Iyōyasu."	No. of Article in "Odawara" Version.	No. of Article in "Nikkō" Version.		
92	90	89	Laws to be obeyed by those who govern. State mourning for death of Emperor, Empress and other members of Imperial Family. Shōgun to make ample provision for expenses connected with accession of a new Emperor. Visits of foreign vessels. Distribution of rewards and punishments to be carefully regulated.	
94	92	91		
95	93	92		
97	95	94		
99	97	96		

APPENDIX III.

*Article 33 of "Odawara" and 28 of "Nikkō" Versions.

[*Translation.*] *Matters left to control of Shintō officials.*

All matters relating to astronomy, and to the tutelary deities of the land and of agriculture, are, according to ancient precedent, controlled by the chief Shintō authorities. The Military authorities will, however, deal severely with any violation of the established rules.

APPENDIX IV.

*Article 58 of both "Odawara" and "Nikkō" Versions.

[*Translation.*] *Barriers.*

There are sixteen barriers (or guard-houses) on the various great and small roads which follow the shore or are situated inland throughout the country. They are established for the purpose of preventing the disturbance of marital relations, and of making the boundaries of provinces secure. They should be entrusted to the care of *Fudai* daimiōs of established lineage, without regard to the amount of their revenues, and the regulations concerning them must be observed. In times of emergency not even a needle must be permitted to pass these barriers, but in normal times horses and carts may pass through.

APPENDIX V.

*Article 61 of both "Odawara" and "Nikkō" Versions.

[*Translation.*] *Duties of daimiōs during attendance in Yedo.*

The various duties to be performed by daimiōs during their attendance in Yedo shall be assigned in a suitable manner after the character of the work has been studied, and in accordance with the amount of their feudal revenues. It is unnecessary to appoint them to important offices. The representatives of three, four or five feudal houses should be held available, like troops in reserve, and be entrusted with the conduct of business in cases of sudden emergency.

* Not in "Official Text."

APPENDIX VI.

Note.

Article 47 of the "Official Text," which deals with the subject of religion, is quite differently worded from those of the other versions.

The following translation of the original texts given in the "Odawara" and "Nikkō" versions, which are identical, and correspond more or less closely with the two English texts consulted, is more literal than that given in the "Legacy of Iyéyasu":—

"If I and others who have been born in the land of the Gods were to adhere preferentially and exclusively to such foreign religions as Confucianism, Buddhism and Taoism, it would mean transferring elsewhere, for a time at least, the allegiance we owe to our sovereign, which would be unnatural and wrong. Due caution should be exercised in adopting or rejecting their tenets. With regard to other religions in which witchcraft and sorcery are practised, they should not be too readily accepted or rejected."

The other versions all have another Article, in each case identical, on the same subject which has some slight resemblance to Article 47 of the "Official Text." But apart from considerable difference in wording, this additional Article expressly mentions the "Evil religion"—namely Roman Catholicism—as being excluded from the toleration extended to all other religions.

APPENDIX VII.

Note.

Articles 4 and 5 of the "Official Text" do not mention the point recorded in the corresponding Articles of other versions regarding the treatment of certain families* as the Shōgun's guests. According to a Note in the "Nikkō" Version—(given also in Dickson's "Japan")—and information contained in Papinot's "Historical and Geographical Dictionary," the five cases in which this special privilege was accorded were as follows:—

1. The feudal family of Kitsurégawa, whose seat was the castle of that name in the province of Shimotsuké. The family was descended from the Kamakura branch of the Ashikaga Shōguns, which in 1454 was established at the castle of Koga in the province

* The word used in the Articles in question is *families*, but there is reason to think that the privilege applied more to the individuals in these cases than to families. And the silence of the "Official Text" in regard to the matter may be taken as supporting this view, since it may be inferred that the privilege lapsed with the death of the recipients and was not transmitted to their descendants.

of Shimōsa, the head of the family being known as Koga Kubō. In 1590 the family was transferred to the small fief of Kitsurégawa, where it remained until the Restoration, the head of the family being known as Kitsurégawa-dono.

2. The feudal family of Tachibana, whose seat was the castle of Yanagawa, in the province of Chikugo in Kiūshiū. The family traced its descent from Tachibana Munéshigé, the son of a former lord of the province of Chikuzen. It was established at Yanagawa in 1620, where it remained until the Restoration. At the time when the "Hundred Articles" were in all probability compiled, the then head of the family bore the Court title of Hida no Kami.

3. The feudal family of Matsudaira whose seat was the castle of Akashi in the province of Harima. The family was descended from Matsudaira Nawoyoshi, the fifth son of Iyéyasu's second son Hidéyasu, who in 1600 succeeded to the fief of Fukui in Echizen. In 1682 this branch of the Tokugawa family received the fief of Akashi, where it remained until the Restoration. At the time when the "Hundred Articles" were in all probability compiled, the then head of the family bore the Court title of Tamba no Kami.

4. The Abbot of the temple of Tokugawa Mantokuji in the village of Serata, in the province of Kōtsuké. This temple was founded by a daughter of Serata Masachika, also called Mantokumaro, one of Iyéyasu's ancestors.

5. The feudal family of Iwamatsu formerly established at the castle of Ota in the province of Hitachi.

ADDITIONAL NOTE.

Article 21 (pp. 150-3). It should be understood that most of the offices mentioned in the List of Precedence were held by daimiōs or *hatamoto*, and not by persons of inferior rank as the English renderings ("Attendants," for instance) might suggest.

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