

AMERICAN EMBASSY,
TOKYO.

Despatch No. 312.

June 27th, 1907.



MR. WRIGHT to THE SECRETARY OF STATE.

SUBJECT: Imperial Ordinance of 1899 regulating residence
of foreign laborers in Japan - Discussion in
columns of Japan Mail.

Despatch No. 312.

AMERICAN EMBASSY,
TOKYO.

June 27th, 1907.

The Honorable Elihu Root,
Secretary of State,
Washington.

Sir:-

Referring to the Imperial Ordinance of 1899, regulating the residence of foreign laborers in Japan, enclosed with my No. 295 of June 12th, I have the honor to enclose herewith a translation of the ordinance made by the Editor of The Japan Mail, together with a discussion of the scope and terms of the regulations which appeared in the columns of The Mail at that time.

It appears to be quite clear that these regulations, although made primarily against the Chinese, were made so general as to apply similarly to laborers of all non-treaty powers such as Canada, Australia, Persia and Turkey, as well as of those, such as the United States and Queensland, in respect of which the right of restrictive legislation was reserved by the terms of the treaty.

It is also interesting to note that the term "laborer" (rodosha) is defined in practically the same sense as by our own authorities, and that when used in connection with "engineering" and "architectural" works refers only to the manual laborers so employed and not to the supervising engineers and architects.

I have the honor to be, Sir,

Your obedient servant,

Lucas C. Wright

Enclosures - Translation of Imperial Ordinance 352 of 1899, together with Departmental Ordinance No. 42. Discussion from Japan Times July 29 and 31, 1899.

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Foreign Laborers in Japan.

Encl. 293-295. Japan, June 27, 1907.

Am. Embassy (Wright) #312.
Refers to Imperial Ordinance of 1899, enclosed with his #295 of June 12th, rel. to foreign laborers in Japan, and encl's a translation of same, together with an editorial on the subject from the Japan Times July 29 and 31, 1907.
Sv. (Rec'd July 18, 1907.)



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U.S. SECRETARY

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Copy.

"Japan Weekly Mail"
August 5th, 1899.

SUBJECTS AND CITIZENS
OF
NON-TREATY POWERS.

The Government's policy has been decided with regard to the Chinese and the subjects or citizens of other Powers not entitled by treaty to trade, travel and reside outside the limits of the Settlements. It is embodied in the following Imperial Ordinance which has just been published:--

IMPERIAL ORDINANCE No. 352

Art. I. It shall be lawful for foreigners, even though they do not possess, by treaty or custom, the privilege of residing in Japan, to reside, make changes of residence, carry on trade or engage in business inside or outside of the places hitherto used as foreign settlements or zones of mixed residence.

Provided that it shall not be lawful for labourers to reside or carry on their business outside the places hitherto used as foreign settlements or zones of mixed residence, unless they obtain special permission to do so from the chief official of the local administration.

The Minister of State for Home Affairs shall determine the classes of persons here designated "labourers" and shall enact detailed regulations for the operation of this Ordinance.

Art. II Persons violating the provisions of the second clause of the preceding article shall be liable to a fine not exceeding 100 yen.

Art. III This Ordinance shall become operative from the 4th of August, 1899.

Art. IV. Imperial Ordinance No. 137, issued in 1894, shall cease to be operative from the day on which this Ordinance takes effect.

(Ordinance No. 137 was issued at the commencement of the war with China. It provides that all Chinese subjects residing in Japan must register themselves. ED. J. M.)

The Minister of State for Home Affairs has issued the following Departmental Ordinance with reference to the above:--

DEPARTMENTAL ORDINANCE No. 42.

Art. I. By "the chief official of the local administration" mentioned in Imperial Ordinance No. 352, shall be understood the Head of the Hokkaido Government or the Governor of a City or Prefecture.

Art. II. By the term "labourers" employed in the first Article of the same Ordinance, shall be understood persons engaged in agriculture, fishing, mining, engineering (*doboku*), building, manufacturing, transportation, jinrikisha drawing, portage, and other kinds of physical toil for gain.

Provided that persons employed as household servants, or as cooks or as waiters, shall not fall within the purview of this Ordinance.

Art. III. It shall be competent for the Head of the Hokkaido Administration or the Governors of Cities and Prefectures to withdraw the permission granted to labourers should such a step seem desirable in the public interest.

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DEPARTMENTAL ORDINANCE No. 42.

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shall be understood the Head of the Hokkaido Government

or the Governor of a City or Prefecture.

Art. II. By the term "labourers" employed in the

first Article of the same Ordinance, shall be understood

persons engaged in agriculture, fishing, mining,

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interest.

Copy.

"Japan Weekly Mail",

Saturday, July 29, 1899.

JAPAN AND THE CHINESE.

"It will be seen from the Ordinance translated elsewhere that the Japanese Government has finally adopted, with regard to the Chinese, the policy announced, a few days ago, as likely to be taken. Chinese subjects, with the exception of the labouring classes, will enjoy the same privileges in Japan as do the subjects and citizens of Western Powers. The Ordinance covers also the case of all persons belonging to countries which have no treaty with Japan; for example, Canada, Australia, Persia, Turkey, and so forth. As for the category of so-called labourers, it is tolerably extensive. Possibly some doubts may arise with regard to the terms "engineering" (doboku) and "building" (Kenchiku). There is a Dobokkyaku, or "Section of Engineering" in the Department of Home Affairs, and it includes among its staff several engineering experts of high standing. A similar class of men coming from Toronto or Melbourne would have to be regarded as "labourers" for the purposes of the Ordinances. A like difficulty suggests itself with regard to the term we have translated "building". The Japanese word is Kenchiku, and inasmuch as an architect is called Kenchik'ka, he, too, would have to be classed as a labourer, which would be supremely absurd. Doubtless

the framers of the Ordinance intend to refer to "navvies" and "masons" or "carpenters", but their refined terminology may be the cause of trouble.

Then comes the question, how is this Ordinance to be enforced? In the United States they adopt the eminently practical though irksome plan of not allowing labouring Chinese to land. But the Japanese Authorities will not interfere with the landing. They permit foreigners to come ashore indiscriminately, and merely require that if a labourer, after landing, wants to live outside the foreign settlements, he must seek permission to do so, or take the risk of being fined 100 yen. At first sight it looks as though evasions of such a law would be easy. But a man of Chinese origin is easily recognized. If any such attempts to live and labour outside the Settlements, the police will have no difficulty in recognizing his nationality, and will then be competent to make scrutiny into his right of residence. The case of an Australasian or a Canadian would be different. We doubt, however, whether there is any serious intention of discriminating against white labour, whatever its provenance.

Monday, July 31.

In our last issue we suggested that the terminology of the Minister of State for Home Affairs in defining what is meant by "labourer" for the purposes of restricted immigration, might be open to misinterpretation, inasmuch as "engineering" and "building" labourers seem to constitute a class more extensive than those to whom the restriction is intended to apply. The JAPAN TIMES

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denies the possibility of any such error, and is good enough to say that "ambiguity only exists in the imagination of our Yokohama contemporary," for "the original text is plain enough to anybody who can read it". We do not pretend to any special ability for reading texts, but we observe that the JAPAN TIMES itself translates the Articles in question thus:--

"Art. II The -- "labourers" mentioned in Art. I of the said Imperial Ordinance shall designate those who engage in agricultural, fishery, mining, engineering, architectural, transportation driving of jinrikisha or other vehicles, wharf, and other miscellaneous labours."

It will be admitted, we think, that the terms "engineering labourers" and "architectural labourers" are novelities in the English language. It is a small matter, however, and we do not apprehend for a moment that any misconstruction will occur in practice.