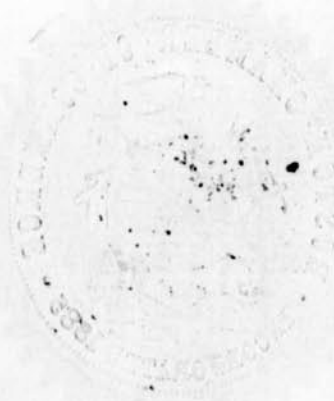


1747

The Director of the Boston Chapter of Commerce
at their monthly meeting, held August 1907, adopted
the following preamble and resolutions:

Whereas, recent outbreaks in some parts of our
country have threatened to disturb the friendly relations
heretofore existing between the citizens of the United
States and those of Japan;
Resolved, That the Directors of the Boston Chapter of
Commerce hereby desire to be put on record as disassociating
any agitation which may tend to cause ill feeling between
the two countries, and they are solemnly warned to say and
all legislation proposed to discriminate against Japan or her
citizens. On the contrary, they believe that every effort
should be made to cultivate and promote the most intimate
commercial relations between the two countries and that all
attempts to be extended to the Japanese.

James A. Smith
Secretary



Handed to Mr. Adair by
the Japanese Ambassador
July 31, 1907.
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WASHINGTON

PROMEMORIA.

For a long time Police Commissioners of San Francisco failed to take action on applications filed by Japanese residents for licenses to carry on the business of intelligence offices or employment bureaus and to engage in certain other lines of legitimate business for which licenses were required. Such applications, some of which were pending since last year, met with inexplicable delays on the part of the Police Commissioners. The usual explanations given out were that the Board of Police Commissioners did not meet or that there were some important matters which claimed the attention of the Board on the occasion of its meeting and which left no time for the consideration of the applications in question. Finally, after representations were repeatedly made by the officer in charge of the Japanese Consulate, the Police Commissioners on June 27th, 1907 definitely rejected six applications for intelligence office licenses, of which four were for the renewal

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of expiring licenses while two were for new licenses.

On that occasion a statement was made by the Chairman of the Board to the effect that the power to grant or to refuse permits required for carrying on certain kinds of business is absolutely vested in the Board of Police Commissioners by the Charter of the State of California, Section VII, Chapter IV, Article VIII of which reads as follows:

The Chief of Police shall have power of general inspection, supervision and control over all pawn-brokers, peddlars, junk-shop keepers, dealers in second-hand merchandise, auctioneers and intelligence-office keepers. All persons engaged in such callings must first procure permits from the Commissioners.

Upon the strength of this provision the Board of Police Commissioners of San Francisco claim unlimited power in the matter of the licenses necessary for carrying on the different kinds of business enumerated above: and in this instance summarily rejected the applications without stating the reasons for such action. It is by no means clear that under the Constitution and laws of the United

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States a local body of Police Commissioners can justly be vested with such unlimited authority, or, if so vested, is warranted in arbitrarily exercising such discretionary powers.

Apart from the question of the justifiableness of the position taken by the Police Commissioners of San Francisco viewed from the standpoint of the organic laws of the United States, the international aspect of the rights involved remains to be considered.

The Commercial Treaty of 1894 between Japan and the United States reciprocally guarantees to the subjects or citizens of each of the two High Contracting Parties full liberty to enter, travel, or reside in any part of the territories of the other; and in whatever relates to rights of residence and travel that Treaty guarantees both the national and the most favored nation treatment to the subjects or citizens of each Contracting Party in the territories of the other. If we are not grossly mistaken the United States have justly and consistently held that the

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right to come and reside given by a treaty necessarily implies the right to live and to labor for a living.

It is hoped that the Government of the United States will see its way to take appropriate measures for the maintenance of the rights of Japanese subjects residing in this country to engage in all lawful business open to the citizens of the United States and to foreigners generally, and to safeguard such rights against arbitrary actions on the part of local authorities.

Washington, July 31, 1907.