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DEPARTMENT OF STATE,
WASHINGTON. July 31, 1907.

File No. 1797/323

Mr. President:

I send for your information copy of a paper handed to me this afternoon by the Japanese Ambassador.

Viscount Aoki explained that he made his communication in this way in order to avoid the formality which would attach to a note, his understanding of a promemoria being that it is merely an aid to the memory, having the same character as an oral inquiry or statement.

I told the Ambassador that I had recently returned from my vacation and was not informed of the incident sufficiently to make any oral response, but that I would send it to Mr. Root.

If it be proper for me to comment upon this communication, I would venture to advert to the broad assertion of the view that the United States holds "that the right to come and reside given by a treaty necessarily implies the right to live and to labor for a living." The context seems to imply that as to the right to labor for a living, both the national and the most favored nation treatment are granted reciprocally by the treaty. It is, however, I believe well established that the rights of aliens to share in the national rights of Japanese in this regard are materially limited, and by the second article of the treaty of 1894, the right to restrict trade, the immi-

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File for the present

Encl. 323.
National of Police Commissioners of San Francisco to grant applications of Japanese to carry on certain kinds of business.

Japanese Embassy (Aoki).

July 31, 1907.

Memorandum of the Japanese Ambassador left at the Dept. relative to applications filed by Japanese residents in San Francisco for licenses to carry on the business of intelligence offices or employment bureaus and certain other lines of legitimate business for which licenses were required.

In this Dept. that some of these applications have been pending since last year and sets forth explanations of the Board of Police Commissioners.

States further that on June 27, 1907, the Police Commissioners definitely rejected six applications for intelligence office licenses, of which four were for the removal of

expiring licenses while two were for new licenses. Gives substance of statement made by the Chairman of the board on that occasion in which he states that power to grant or refuse permits was abnormally vested in the Board of Commissioners by the Charter of the State of California, Sec. VII, Chapter IV, Art. VIII. Asserts that it is by no means clear that under the Constitution and laws of the U.S. 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. Refers to the Commercial Treaty of 1894 between Japan and the U.S. and states in conclusion that it is hoped that the Govt. of the U.S. will see its way to take appropriate measures for the maintenance of the rights of Japanese subjects residing in the U.S. to engage in all lawful business open to citizens of the U.S. and foreigners generally, and to safeguard such rights against arbitrary actions on the part of local authorities.
(Rec'd. Sept. 7, 1907.)
Dr.

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gration of laborers and to regulate matters of police and public
security is reciprocally admitted.

very respectfully,

ALVEY A. ADEE,

To the President:

Oyster Bay,
New York.