

## V.—THE LEGACY OF IYEFYASU

[The following translation of the Legacy of Iyeyasu was made by the late Mr. J. F. Lowder, formerly H.M. Consul at Yokohama, and published at Yokohama in pamphlet form in 1874. It has never been published in England, and as the original edition has been long out of print, it is here reprinted,<sup>1</sup> with the consent of the widow of the translator, leaving out some chapters which deal only with items of administrative detail. The explanatory notes are by the present writer.]

THIS manuscript, consisting of one hundred chapters, was written by Toshōgu of Kunō, in the province of Suruga. It is contained in the Imperial depository, and may not be seen by any but the Gorōjiu, who profoundly secreting it even when within the precincts of the official residence in order to conceal it from the sight of others, shall reflect upon, and record it in their hearts.<sup>2</sup>

CHAPT. I.—It is necessary before all to apply the undivided attention of the mind to that which is naturally distasteful, setting aside one's own inclinations.

CHAPT. II.—Show special commiseration for the widower, the widow, the orphan, and the lone ; for this is the foundation of charitable government.

CHAPT. III.—Keep your heart pure ; and as long as your body shall exist, be diligent in paying honour and veneration to the gods.

CHAPT. IV.—In future ages, in the event of there being no direct successor to a dynasty, the Chief Councillors of Ii, Honda, Sakakibara, and Sakai,<sup>3</sup> will assemble in conference ; and after mutual deliberation and consultation, unbiassed by considerations of consanguinity or affinity, choose a fit and proper person, and duly insure the succession.

CHAPT. V.—The etiquette to be observed upon being installed as Sei-Shōgun, is to be patterned after the example of the Lord of Kamakura (Yorimoto).

The whole amount of the revenue of the Empire of Japan is 28,190,000 koku [of rice]. Of this, 20,000,000 is to be divided among the Daimiō and Shomiō, who render faithful service, and the remaining 8,190,000 koku form the public revenue, which should provide for the effectual protection of the Emperor, and for keeping in subjection the barbarians of the four coasts.<sup>4</sup>

<sup>1</sup> In "The Story of Old Japan", by J. H. Longford.

<sup>2</sup> This heading, which is that of the copy preserved in the Court of the Shōgun, is not part of the original manuscript. Toshōgu is the posthumous name of Iyeyasu, the name that is bestowed after death by the Buddhist priests. Kunō is the name of the temple near Shidzuoka in which Iyeyasu was first buried, prior to the erection of the great mausoleum at Nikkō, in which many people say that his remains still rest, only a hair of his head having been carried to Nikkō.

<sup>3</sup> The four leading Fudai Daimios ; Ii, the first named, was the ancestor of Ii Kamon no Kami, in whose family the office of Tairō or regent for the Shōgun was hereditary.

<sup>4</sup> Public revenue means the revenue of the Shōgun's Government, the chief duties of which were to guard the Emperor from danger, and to preserve peace in every quarter of the Empire. Rice was the standard of value, and one koku at that period was worth about fifteen shillings.

CHAPT. VI.—Although it has been said that ancient customs are to be preserved as laid down in the several articles of the laws framed for the military classes, these may be modified or supplemented as it becomes beneficial.

CHAPT. VII.—The Fudai are those samurai who followed me, and proffered me their fealty before the overthrow of the castle of Osaka, in the province of Sesshiu.

The Tozama are those samurai who returned and submitted to me after its downfall, of whom there are 86.

There are 8,023 Fudai cavalry-lancers. Besides these there are eighteen samurai of my own house, and five Guests of honour.

This division is recorded, that they be not regarded as all holding the same position.

CHAPT. VIII (Omitted).—Describes the castle at Yedo and its guards.

CHAPT. IX (Omitted).—Names the Fudai samurai who accompanied Iyeyasu from his ancestral seat at Mikawa, and directs that the members of the Gorōjiu shall be chosen from them.

CHAPT. X.—The Fudai Samurai, great and small, all have shown the utmost fidelity, even suffering their bones to be ground to powder, and their flesh to be chopped up for me. In what way soever their posterity may offend—for anything less than actual treason, their estate may not be confiscated.

CHAPT. XI.—If there be any one, be he Kokushi, Riōshiu, or Jōshiu, Tozama or Fudai—none are excepted—who shall disobey the laws, to the injury of the people, his territory or castle shall immediately be confiscated, that martial severity may be revered. This is a part of the Shōgun's duty.

CHAPT. XII.—In order to prevent any misunderstanding as to precedence among officers, of the higher grades of the same seniority, it is decreed that they take order according to the amount of their revenue. [This does not apply to the Gorōjiu and Wakadoshiyori.]

CHAPT. XIII.—The magistrates of the Civil and Criminal Courts are reflectors of the mode of Government. The persons invested with this office should be chosen from a class of men who are upright and pure, distinguished for charity and benevolence. Once every month one of the Gorōjiu should be sent unexpectedly, to inquire into their mode of administration; or the Shōgun should himself go unexpectedly, and investigate and decide the case on hand.

CHAPT. XIV (Omitted).—Table of precedence among the officials of the Shōgun's Government.

CHAPT. XV.—In my youth, my sole aim was to conquer and subjugate inimical provinces, and to take revenge upon the enemies of my ancestors. Yuyō teaches, however, that "to assist the people is to give peace to the Empire", and since I have come to understand that the precept is founded on sound principle, I have undeviatingly followed it. Let my posterity hold fast this principle. Any one turning his back upon it is no descendant of mine.

The People are the foundation of the Empire.

CHAPT. XVI.—The reclamation and filling in of new ground was originated in the time of Yoritomo; and there are doubtless ancient regulations extant, bearing upon this subject. Petitions having in view the recovery of land should be taken into consideration, and no opposition should be made to them; but if there exists the slightest objection, according to ancient usages, it is strictly prohibited to entertain them.

CHAPT. XVII.—In the absence of precedent, forbid the making of new ground, new water courses, and so forth, and framing of any new measures of what kind soever. Know that disturbances always rise from such innovations.

CHAPT. XVIII.—It is forbidden to alter a faulty regulation if, through inadvertency, it has been allowed to remain in force during fifty years.

CHAPT. XIX.—There will always be some individual of ancient lineage to be found living among the lower classes of district towns and hamlets. Such a one as this should be selected for appointment to minor official situations; but care should be taken not to choose refugees and the like.

The import of this should be notified to the Tax-Collectorates particularly; and also to Kokushi, Riōshu, Jitō,<sup>1</sup> and downwards.

CHAPT. XX.—The Daimiō and Shomiō of the Fudai and Tozama classes who do not hold official appointments, are divided into two halves. One of these is to reside in Yedo, until relieved by the other.

When relieved, they are to employ their period of rest in making a tour of inspection into the prosperity or adversity of the population of their territories.

Those on service should be entrusted with the various duties connected with the castle, and the protection of the outer enclosures. They should lend assistance in repairing rents and damages, in the erection of new buildings, and in extinguishing fires, and so on.

These duties are not exacted solely for myself or my house; but for the Shōgun, whose duty it is to protect and defend the Emperor.

CHAPT. XXI.—The modes of commending virtue and rewarding merit are:

1st—Grant of name or title [often bestowed after death].

2nd—Spoken commendation.

3rd—Rank and Revenue.

4th—Official situation.

5th—Minor superintendencies.

The modes for punishing crime for the repression of vice are:—

1st—Branding (or tattooing).

2nd—Splitting the nose.

3rd—Banishment.

4th—Transportation.

5th—Imprisonment.

6th—Decapitation and exposition of the head.

<sup>1</sup> Jitō=lord of a district.

7th—Crucifixion and transfixion.

8th—Burning.

9th—Decapitation, and so on.

These rewards are to be bestowed and punishments to be inflicted only after a strict investigation into the merits of commendable or criminal conduct; and although a notification to the above effect has been issued to the Courts of Law, particular pains should be taken to impress it upon their strict observance.

The infliction of the severe punishments of tying a criminal's legs to two oxen, and driving them in different directions, and of boiling in oil, is not within the power of the Shōgun.

CHAPT. XXII.—You should not hastily attach to your person officers of the higher grades who are ever ready and obedient; nor should you precipitately dismiss the lukewarm. They should be attached or dismissed in a quiet way, after due consideration of the behaviour of each, and consultation with the Gorōjiu. Neither should be done in a hurried or inconsiderate manner.

CHAPT. XXIII.—It has been said of old, “Although advised on all sides to put to death, put not to death: but when all the people of the country advise capital punishment, inflict it only after reiterated investigation into the merits of the case in question.

“Though advised on all sides to confer reward, confer not reward; but when all the people of the country advise the bestowal of reward, concede only after reiterated inquiry into the merits of the case in question.”

The art of governing a country consists in the manifestation of due deference on the part of a suzerain towards his vassals. Know that if you turn your back upon this, you will be assassinated, and the Empire will be lost.

CHAPT. XXIV.—Although a person of former days deprecates the custom of fishing with divers, and of hawking, such sauntering for amusement does not entail a needless destruction of life. “The tribute offering, by noblemen, of the spoil of the hunt and of the chase to the Emperor” is an ancient custom among the military class of other countries as well as of Japan. It tends to render soldiers expert in the use of the bow, and in horsemanship; and in times of great peace is beneficially remindful of the excitement of war. It is a custom which should not be discontinued.

CHAPT. XXV.—Although singing and instrumental music are not the calling of the military class, at times they expand the spirits, and relieve depression, and are delightful recreations in the joyfulness of great peace. In the first festivals of the years and months, these also should not be discontinued.

CHAPT. XXVI.—The successive generations of military chiefs of the family of Gen,<sup>1</sup> from Sadazumi Shin-no downwards, are enshrined

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<sup>1</sup> The Minamoto family. Seiwa was the fifty-sixth Emperor (859–877) and Prince Sadazumi was his sixth son, from whom the Minamoto claimed to be descended. One of the Minamoto founded a branch family which took the surname of Nitta from its estate in the province of Hitachi. The branch again subdivided in later years into new families which bore the surnames, all of

at Momijiyama, in the Western Inclosure, for the repression of evil influences, and for the protection of the shrines dedicated to ancestors within the boundaries of the castle. Future generations shall pay them the highest respect and veneration, and shall be diligent in sacrificing to, and worshipping them.

CHAPT. XXVII.—I, although the offspring of Seiwa, and born in the family of Matsudaira of Mikawa, was overcome by inimical provinces and for a long time depressed and confined among the common people. Now, I am thankful to say, being engirdled with the favour of Heaven, the ancestral estates of Serata, Nitta, Tokugawa, and Matsudaira have returned to me. Henceforth let succeeding generations venerate these four families, and not depart from the teaching:—"Let there be a careful attention to parents, and let them be followed when long gone."

CHAPT. XXVIII.—Reverting to the scenes of battle at which I have been present during my career, there must have occurred eighty or ninety hand to hand encounters. Eighteen times have I escaped with my life from ten thousand deaths.

On this account I have founded eighteen "Danrin" (lit., sandal groves, or temples)<sup>1</sup> at Yedo as a thank-offering. Let my posterity ever be of the honoured sect of Jōdo (Buddhist sect).

CHAPT. XXIX.—With respect to the temple of Yeizan on the East of the Castle in the Military capital (Yedo) I have received much and repeated instruction from the late Daishi. Is it well that I should not demonstrate my gratitude? I have reverentially begged for him the office of Preceptor of the first degree, and Chief Priest of Tendai and have offered up prayers and supplications that wicked resentment may entirely cease, and that the country and its households may enjoy undisturbed peace and harmony.<sup>2</sup>

geographical origin, of Serata, Tokugawa and Matsudaira, and Iyeyasu was entitled not only to use any one of the four surnames, but that also of Minamoto. All the Kamon daimio (the daimio of the house and blood of the Tokugawas), exclusive of the San Kei, bore the name of Matsudaira, and the name is largely represented in the new peerage of the present day. There is an omission in the translation here. The chapter concludes with the instruction that Tokugawa should thenceforward be the distinguishing name of Iyeyasu's own family. Momijiyama (Maple Hill) is part of the gardens of the castle at Yedo, now the Imperial palace.

<sup>1</sup> These temples include not only those at Shiba and Uyeno in Yedo, but others in other parts of the Empire.

<sup>2</sup> Yeizan is the temple of Toyeyzan at Uyeno, destroyed in the last fight of the war of the Restoration (*vide* p. 786). Daishi is the highest honorary title that can be given to a Buddhist priest. Tendai is one of the great Buddhist sects. This and the following chapter illustrate the far-seeing policy of Iyeyasu. The legality of his office depended on the Emperor, who, living at Kioto, might, though he was always closely guarded by Iyeyasu's own adherents, and though all the territorial princes were forbidden access to him or even to visit Kioto, sometimes fall into the power of, or, like Go Daigo, join enemies to the Shōgunate. A prince of the Imperial family was therefore always installed as Chief Abbot (or Preceptor) of Toyeyzan, where he was always under the direct eye of the Shōgun, so that, in either of the above eventualities, the deposition of the Emperor and the installation of the Princely Abbot on the throne might be proclaimed at once. When the adherents of the last of the Shōguns were finally driven from Yedo in 1868, they endeavoured to put this policy in force, and carrying the Princely Abbot at that time with them to the North, they proclaimed him as Emperor.

CHAPT. XXX.—The Preceptor will be a sufficient provision for the defence of the royal castle; and in the event of the Imperial residence being assailed by inimical barbarians, he shall be elevated to the “Throne of divine blessings”, and the Shōgun shall aid and assist him in subjugating and exterminating them.

CHAPT. XXXI.—High and low alike may follow their own inclinations with respect to religious tenets which have obtained down to the present time, except as regards “the false and corrupt school” [Roman Catholic]. Religious disputes have ever proved the bane and misfortune of the Empire, and should determinedly be put a stop to.

CHAPT. XXXII.—The families of Gen, Pei, Tō, Kitsu, the two families of Kan and Ki-Ariwara and Kiowara,<sup>1</sup> derive their names from the Supreme Ruler (Emperor). It would be no shameless thing if one among these, attaining to the military command-in-chief, although apparently possessing the necessary capability, were nevertheless a man void of knowledge and erudition to whom the path of wisdom and virtue is dark, all whose deliberations proceed from his own mind, ignorant of the military accomplishments necessary in a military man.

From time to time colleges should be instituted, where by self-exertion others may be stimulated and encouraged to enter, and receive virtuous instruction.

CHAPT. XXXIII.—The way to govern a country and to keep an Empire tranquil originally proceeds from the “Gate of Perfection of Wisdom” (Confucian teachings).

To endeavour to attain to literary or military perfection in any other path is like “climbing a tree in search of fish, or plunging into the water to look for fire”.

Reflect that this is the height of shallow-brained stupidity.

CHAPT. XXXIV.—There is always a certain amount of sickness among the population of the Empire. A sage of old, being grieved at this, established a medical code; and although there may be proof, in the effectual cure of disease, that others have drawn from this stream, such should not be endowed with large territory, lest being in possession of landed estate they straightway become indolent in the exercise of their profession. A suitable reward should be bestowed upon them, adequate to the shallowness or depth of the cure effected.

CHAPT. XXXV.—By an ancient custom of the Empire, Niidono, the Spiritual Chief,<sup>2</sup> has the entire control of every particular connected with the physical study of the Heavens, and the management of the Spirits of the five grains. Should any one, however, set himself in opposition to the examples and precepts of the Military Chief of the Empire, there should be no hesitation or delay in punishing him severely.

Their subsequent defeat rendered the policy useless. The Abbot was subsequently known as Prince Kita Shirakawa. He forsook the priesthood for the army, became a distinguished general, and died while in command of the army engaged in the subjugation of Formosa after its cession by China.

<sup>1</sup> The families of Minamoto, Taira, Fujiwara, Sugiwara, etc., all claiming divine descent through the Emperor, or directly as in the case of the Fujiwara.

<sup>2</sup> The chief Shintō priest.

CHAPT. XXXVI.—All wandering mendicants, such as male sorcerers, female diviners, hermits, blind people, beggars, and tanners, have had from of old their respective rulers. Be not disinclined, however, to punish any such who give rise to disputes, or who overstep the boundaries of their own classes, and are disobedient to existing laws.

CHAPT. XXXVII.—A girded sword is the living soul of a samurai. In the case of a samurai forgetting his sword, act as is appointed; it may not be overlooked.

CHAPTS. XXXVIII and XXXIX (Omitted).—Regulate the number of Cavalry soldiers to be furnished by each Daimio in proportion to the value of his domains as assessed in the survey of 1592.

CHAPT. XL.—By a fortunate choice on my part, Ii Manchio-maru is created Commander-in-chief, and holds the “Golden Baton”. Honda Hehachiro is created second commander, and holds the “Silver Baton”. Murakami Hikotaro is created third commander, and is authorized to bear the “Paper Baton”. It is necessary that every samurai should know these particulars.

CHAPT. XLI.—The boundary lines of possessions held by samurai may not be varied or trespassed upon so much as a hair's breadth. In the event of disputes of this nature being referred for decision, the plan in the Civil Court should be compared with the Register, and the boundary line fixed. But if there should be any difficulty in determining the matter, an Inspector, a Chief Supervisor, and a Judge should repair to the place in dispute, and in the usual manner give their decision in accordance with the Register. In the event of such decision not being accepted, and one of the disputants making still further complaint, the place in dispute shall be confiscated, and the amount of the possessions of the appellant reduced.

CHAPT. XLII.—There is a difference in the ceremonies to be observed by direct retainers and secondary retainers of rank.

CHAPT. XLIII.—Parties fighting and wounding each other with sharp instruments are equally culpable, but should be judged according to the severity of the wounds inflicted. The rule of procedure on such occasions is to arrest the criminal party; but at times it may not be expedient to trace him.

CHAPT. XLIV.—The strictest and most careful search shall be made for persons guilty of murder by stratagem, or with malice prepense—of poisoning for selfish purposes, and of wounding others while robbing a house—who, when found, shall be executed.

CHAPT. XLV.—The samurai are the masters of the four classes. Agriculturists, artizans, and merchants may not behave in a rude manner towards samurai. The term for a rude man is “other than expected fellow”; and a samurai is not to be interfered with in cutting down a fellow who has behaved to him in a manner other than is expected.

The Samurai are grouped into direct retainers, secondary retainers and nobles, and retainers of high and low grade; but the same line of conduct is equally allowable to them all towards an “other than expected fellow”.

CHAPT. XLVI.—The married state is the great relation of mankind. One should not live alone after sixteen years of age, but should procure a mediator, and perform the ceremony of matrimonial alliance. The same kindred, however, may not intermarry.

A family of good descent should be chosen to marry into; for when a line of descendants is prolonged, the foreheads of ancestors expand. All mankind recognizes marriage as the first law of nature.

This subject should be circulated, that it be not lost sight of.

CHAPT. XLVII.—A childless man should make provision, by the adoption of a child, to ensure the succession of the family estate; but it is not customary for a person under fifteen years of age to adopt a child.

An adopted son of the Emperor is called "Hom-miya"; of the Shōgun is termed Shōkun (heir apparent); of a Lord of a province is designated Seishi; of Hatamoto<sup>1</sup> and downwards is called Yōshi (adopted child).

The family estate of a person dying without male issue and without having adopted a son, is forfeited without any regard to his relations or connexions.

Nevertheless, as it is taught by the sages and worthies that the Empire is the Empire of its people and does not appertain to one man alone, in the event of an Infant on the point of death wishing to adopt a child, there is no objection to his being allowed to prolong his race in the person of one who is of age.

CHAPT. XLVIII.—In lieu of the practice which has hitherto obtained, viz., that of the Emperor in person making a tour of investigation to the several provinces for the purpose of hearing verbally from the Princes an account of their several administrations, let an Inspector be sent every five or seven years to the different provinces to examine into the traces of the behaviour of the Kokushiu and Riōshiu during their absence from Yedo. The inspection into the well-being or dissatisfaction of the peasantry, the increase or decrease of the produce, the repairs and alterations effected in the castles, and so on, are not to be discontinued.

CHAPT. XLIX.—The territories entrusted to the Daimiō, with the exception of the Kokushiu, shall not be perpetuated to successive generations. They should be interchanged every year, the territories being apportioned relatively. Should the territory entrusted to one Daimiō remain in his possession for too long a time, he is certain to become ungovernable and oppress the people.

CHAPT. L.—If a married woman of the agricultural, artizan, or commercial class shall secretly have illicit intercourse with another man, it is not necessary for the husband to enter a complaint against the persons thus confusing the great relation of mankind, but he may put them both to death. Nevertheless should he slay one of them and spare the other, his guilt is the same as that of the unrighteous persons.

<sup>1</sup> Hatamoto were a class of territorial gentry created by Iyeyasu, who occupied a position inferior to that of the daimio, but as landowners higher to that of the squires or retainers of the daimio.



In the event, however, of advice being sought, the parties not having been slain, accede to the wishes of the complainant with regard to putting them to death or not.

Mankind, in whose bodies the male and female elements induce a natural desire towards the same object, do not look upon such practices with aversion ; and the adjudication of such cases is a matter of special deliberation and consultation.

CHAPT. LI.—Men and women of the military class are expected to know better than to occasion disturbance by violating existing regulations, and such a one breaking the regulations by lewd trifling or illicit intercourse, shall at once be punished without deliberation or consultation. It is not the same in this case as in that of agriculturists, artizans and traders.

CHAPT. LII.—In respect to revenging injury done to master or father it is granted by the wise and virtuous (Confucius) that you and the injurer cannot live together under the canopy of heaven.

A person harbouring such vengeance shall notify the same in writing to the criminal court ; and although no check or hindrance may be offered to his carrying out his desire within the period allowed for that purpose, it is forbidden that the chastisement of an enemy be attended with riot.

Fellows who neglect to give notice of their intended revenge are like wolves of pretext ; and their punishment or pardon should depend upon the circumstances of the case.

CHAPT. LIII.—The guilt of a vassal murdering his suzerain is the same in principle as that of an archtraitor to the Emperor. His immediate companions, his relations, and all even to his most distant connexions, shall be cut off (and mowed to atoms) root and fibre. The guilt of a vassal only lifting his hand against his master, even though he does not assassinate him, is the same.

CHAPT. LIV.—The position a wife holds towards a concubine is the same as that of a lord towards his vassal.

The Emperor has twelve Imperial concubines. The Princes may have eight concubines. Officers of the higher class may have five mistresses. A samurai may have two handmaids. All below this are ordinary married men.

A sage of old makes this known in his Book of Rites, and it has been a constant law from of old to the present day.

Silly and ignorant men neglect their true wives for the sake of a loved mistress, and thus disturb the most important relation. In olden times the downfall of castles and the overthrow of kingdoms all proceeded from this alone. Why is not the indulgence of passion guarded against ? Men so far sunk as this may always be known as samurai without fidelity or sincerity.

CHAPT. LV.—It is a righteous and world-recognized rule that a true husband takes care of outside business, while a true wife manages the affairs of the house. When a wife occupies herself with outside affairs, her husband loses his business, and it is a pre-evidence of ruin to the house ; it is as when a hen is afflicted with a propensity to crow

at morn, and an affliction of which every samurai should beware. This again is an assistance in the knowledge of mankind.

CHAPT. LVI.—The nine Castles, viz., those of Iwatsuki, Kawagoi, and Oshi in the province of Musashi, of Sakura, Sekiyado and Kogawa, in the province of Shimo-osa, of Takazaki in Kōzuke, of Utsunomiya in Shimōdzuke, and of Odawara in Sagami, are all branch-castles of the chief Castle at Yedo.

They may not be entrusted to the charges of any one but a samurai of the Fudai class specially appointed to the trust. They are outworks for the protection of the chief Castle.

CHAPT. LVII.—The two castles of Fuchiu and Kunō in the province of Suruga shall be intrusted to the guardianship of the Chief of the "Private Guards". They are accessory to the principal castle.

CHAPT. LVIII.—The Warden of the two castles of Osaka in the province of Setsu, and of Fushimi in the province of Yamashiro should be a vassal of ancient lineage, and above the "Fourth Grade". Certain of the "Guards" should be stationed there as resident guards. When war is made, one of these Castles should be the head-quarters of the Main Army.

CHAPT. LIX.—There are sixteen guard-houses established on the main roads and by-roads of the districts and provinces, some on the seashore, some inland, in order to prevent man or woman disturbing the public peace, and for defences of the boundaries of the state. The superintendence of these should be entrusted to a samurai of the Fudai class of ancient lineage, without regard, however, to his wealth. He shall see that the rules written for their regulation are properly carried out. Under certain circumstances not even a needle should be permitted to pass; but on ordinary occasions horses and vehicles may go through.<sup>1</sup>

CHAPT. LX.—The protection of the Castle of Nijo<sup>2</sup> shall be entrusted to some reliable and trustworthy Fudai of good lineage, instead of to that of the Commander-in-Chief; he shall be called "The Kiōto Representative", and on all occasions of disturbance the Thirty Western States shall take their orders from him.

CHAPT. LXI.—The office of Prefect of Kiushiu has for a long time, since the time of Odonon, been temporarily discontinued. This office

<sup>1</sup> From a very early period it was the custom to maintain barriers guarded by troops at certain mountain passes and other strategic points. Their original object was to guard against incursions by the savage Aino into the Japanese colonies, but from the time of Yorimoto onwards, their sole object was to prevent treacherous communications between the Shōgun's Court in the Eastern provinces (Kuantō) and the Imperial Court of Kioto. The best known were Auzaka near Kioto (page 96) and Hakone (page 104). The latter was only abolished in 1871, and its remains still exist. A watch was kept here to prevent the wives of Daimios escaping from Yedo (page 213), and women proceeding to Yedo were also subjected to a strict search, lest they should be the medium of carrying treasonable documents. One curious result of this was a large number of barbers' shops in the town of Odawara, at the foot of the Hakone Pass, who drove a prosperous trade in re-dressing the locks of the ladies, dishevelled in the search to which they were subjected at the barrier.

<sup>2</sup> The castle used as a residence by the Shōgun when he visited Kioto—still existing.

should be entrusted on alternate years to the two houses of Shimadzu (Satsuma) and Nabeshima (Hizen).<sup>1</sup>

It is forbidden to give this trust to any other house for ever.

CHAPT. LXII.—In the inner enclosure, beneath the Castle at Yedo, there are twenty-eight curtained guard-houses; and there are also twenty-eight in the outer inclosure.

The superintendence of the Inner Inclosure shall be entrusted to a Fudai, for the time being resident in Yedo; that of the Outer Inclosure to a Hatamoto on duty at the time.

They shall be directed as a matter of course to attend to the guard-house regulations, and to see that the military weapons, swords, insignia, and all the implements of war are kept clean and in proper order.

CHAPT. LXIII.—The several duties about the castle to be performed by the samurai on duty, and the work to be done in connexion therewith should be well considered, and allotted in proportion to their revenues; but they should not be appointed to high offices of state. Some three, four, or five of them should be set apart for the transaction of contingent official business.

CHAPT. LXIV.—Nagasaki, in the province of Hizen, being a port at which vessels of other countries touch, has dominion over three nationalities.<sup>2</sup> The administration of this place should be entrusted to the chief member of the Gorōjiu.

The resident guard shall consist of four chiefs from among the Fudai samurai, each in receipt of 3,000 koku upwards. They shall each be provided with a riding horse and foot soldiers, and are salaried officers.

CHAPT. LXV.—In the revolution of nature, lands, houses, mountains, rivers, and ferries become damaged and ruined, and considerable outlay is requisite to put them in repair.

A part of such expenses is to be borne by the neighbouring province in proportion to the number of koku it produces. This tax is called "Provincial thank-tribute".

Yorimoto introduced this custom, taking example from the period of the sages; the principle is by no means a selfish idea of my own. It is a custom which shall be observed by future generations for ever.

CHAPT. LXVI.—Regarding thoroughfares, both in Government territory and throughout the Empire, 36 feet is the proper width of the "great sea road"; but including the trees on either side, it should have a uniform width of 120 feet; 18 feet is the proper width of the

<sup>1</sup> Odonō—more properly Ōtomo—was the family name of the Territorial Princes of Bungo, who were the greatest feudatories in Kiushiu, until their power was destroyed by Satsuma early in the last quarter of the sixteenth century. From the time of Yorimoto until then, they had continuously held an office which might be described as the Vice-Royalty of Kiushiu. Both Otomo and Satsuma were said to be direct descendants of illegitimate sons of Yorimoto. Nabeshima was the territorial prince of Hizen, one of the Kokushiu daimios, whose direct descendant is now the Marquis Nabeshima, and was some years ago Japanese minister at Rome.

<sup>2</sup> Japanese, Chinese and Dutch, the two latter the only foreigners permitted to reside in Japan.

“small sea road”; but including the margins on either side it should be of a uniform width of 60 feet.

Twelve feet is the proper width of cross-roads and horse roads; inclusive of the side-walks 30 feet should be the uniform width.

Six feet is the proper uniform width of foot-paths, inclusive of margins on either side.

Three feet is the proper uniform width of by-paths, and paths through the fields, inclusive of margins on either side.

On either bank of a river, where crossed by a ferry, there should be an open space of 360 feet or thereabouts.

Post houses have been established at intervals for the dispatch of public business, and are also of manifest assistance to foot passengers.

This is an ancient regulation, handed down from Oinos'ke, an ancestor of the Tokugawa.

CHAPT. LXVII.—The several taxes leviable on hills, rivers, seas and ports, should not be exacted irregularly. They should suffice for the current expenses of the Imperial household.

CHAPT. LXVIII.—Dwellings shall not be erected on ground under cultivation by husbandmen, as the growth of bamboos and trees round the walls is prejudicial to the crops.

When disputes arising from a question of new and old plantations is referred for decision, the test is in the height of the trees forming the enclosure of such plantation.

If they are seen to be three feet high, the plantation may be known to be an old one; if they are not three feet high, the plantation is a new one, and the trees should be cut down, and the party in the wrong confined to his house for one hundred days.

CHAPT. LXIX.—If the boughs of large trees, in the immediate neighbourhood of villages in which the houses are built consecutively, become so large as to interfere with the drying of grain, or to interrupt the payment of annual tribute, in the first place the branches shall be cut off; and if that is not sufficient the whole tree shall be cut down.

Overshadowing branches should be lopped off annually.

CHAPT. LXX.—Although there are many bad roads and bridges in the frontier villages of the different provinces, there is a great deal of carelessness and neglect evinced, and the consequence is great inconvenience to travellers.

The care of aqueducts for water in case of fire also is neglected, and water is allowed to stagnate in the drains, because it is not the business of any particular individual to look after them. And the deepening or filling in of the beds of rivers is overlooked as entailing trouble.

Circular instructions should be issued in the customary years from the Inspectorate, that such neglect cease to exist.

CHAPT. LXXI.—From of old the harmony between lord and vassal has been likened to that existing between water and fish. Ought it not to be so? It is, indeed, no difficult thing! If the golden rule, “Do not unto others that which you would not have others do to you” be so firmly grasped in the heart as not to be lost sight of for a moment, the force of example will induce inferiors to conform to this virtuous

teaching; and not only immediate attendants, but the population at large, will naturally flow smoothly along as water to its outlet.

CHAPT. LXXII.—My body, and the bodies of others, being born in the “ Empire of the Gods ”, to adopt the teachings of other countries *in toto*, such as Confucian, Buddhist, and Taoist doctrines, and to apply one’s whole and undivided attention to them, would in short be to desert one’s own master, and transfer one’s fidelity to another. Is not this to forget the origin of one’s being ?

Judging from a medium and unprejudiced point of view, a clear decision should be arrived at as to what is proper to adopt, what to reject. The delusions of witchcraft and superstitious arts should on no account be unquestionably accepted; but on the other hand they should not be forcibly and obstinately rejected.

CHAPT. LXXIII.—Virtuous men have said both in poetry and standard works that houses of debauch for women of pleasure, and for street-walkers, are the worm-eaten spots of cities and towns. But they are necessary evils, which if forcibly abolished, men of unrighteous principles would become like ravelled thread, and there would be no end to daily punishment and flogging.

These separate characters are intended to suffice as a general basis to the law of the Empire; but with regard to minute details affecting the inferior classes individually, learn the wide benevolence of Kōso, of the Kan dynasty.

CHAPT. LXXIV.—As a pattern for the house of Tokugawa, adjust your line by that of the Lord of Kamakura (Yoritomo); you may not adopt the fashions of other houses. Nevertheless, the tendencies of the Lord of Kōmatsu should not be entirely rejected.<sup>1</sup>

CHAPT. LXXV.—Although it is undoubtedly an ancient custom for a vassal to follow his Lord in death, there is not the slightest reason in the practice. Confucius has ridiculed the making of Yo. These practices are strictly forbidden, more especially to primary retainers, and also to secondary retainers even to the lowest.

He is the opposite of a faithful servant who disregards this prohibition; his posterity shall be impoverished by the confiscation of his property as a warning to those who disobey the laws.<sup>2</sup>

CHAPT. LXXVI.—A knowledge of military tactics, and the art of managing an army, are nothing but necessary accomplishments in a leader.

<sup>1</sup> Kōmatsu, the posthumous name of Higemori, Kiyomori’s eldest son, who died before his father, whose virtues and mercy were as prominent as his father’s vices and cruelty.

<sup>2</sup> The compulsory observation of this practice was forbidden by the Emperor Suinin, and its voluntary observation was several times forbidden by edicts of subsequent Emperors. It still continued, however, and there were frequent occasions not only in Iyeyasu’s lifetime, but afterwards, notwithstanding his drastic prohibition, in which vassals killed themselves on their lord’s death. Daté Masamune, one of the most celebrated of the territorial princes, both during Iyeyasu’s lifetime and in his son’s, when on his deathbed, honoured his retainers by selecting those who were to follow him in death, all of whom committed *hara-kiri* when he died. On the death of Iyemitsu, the third of the Tokugawa Shōguns, two of the daimios, who must have been well acquainted with the legacy of Iyeyasu, also committed *hara-kiri*.

An ordinary man is like a manufactured article, he is not composed of many bodies. Every manufactured article has its own separate use, and a hammer will not answer the purpose of a chisel, nor can a gimlet be used for the purpose of a saw.

In precisely the same manner, every individual man has a special use. Make use of a wise man's wisdom; of a brave man's courage; of a strong man's strength; of a weak man's weakness; of each, in short, according to his individual capability; for just as a gimlet will not answer the purpose of a saw, neither will an ignorant nor a weak man answer the purpose of a strong man, and should therefore not be employed in his stead. The substance of this is inculcated as an incipient principle by the five virtues; and the adoption or disregard of this principle tests the ability or inability of a chief.

In looking at the principle again as applied to men who are employed for purposes of war, unity of feeling among one another and mutual regard between high and low, will ensure peace and tranquillity in the Empire without having recourse to arms. This does not apply exclusively to times of war, but is equally applicable to all occasions.

CHAPT. LXXVII.—When military power becomes full to overflowing, even in the absence of all ambition, the proper veneration for the "Throne of Divine blessings" is apt to become blunted; and there arrives a tendency, as has been demonstrated in the persons of so many of old, to remissness in respect, and oblivion of the origin of the "Kingdom of the Gods"—the source of self-desire is apt to overflow. Such a sin is not a light one, and will be undoubtedly followed by annihilation from Heaven.

CHAPT. LXXVIII.—The Shinnō and the several Miya, being related to the son of Heaven, should be treated with the highest respect. This immediately concerns the Shōshō. You should not set yourself in opposition to the Kugé, who by ancient custom come next in order. Impolite behaviour and a rough and indifferent manner are to be avoided.<sup>1</sup>

CHAPT. LXXIX.—There are five families whose heads are by custom Guests of honour; and mindful of the circumstances on record from which this custom originated, your intercourse with them should resemble the mutual friendship of neighbouring states. The manners, customs and fashions of their houses are not under the care of the Tokugawa family; nevertheless, if any one among them evince contempt towards superiors, or injure the people by tyrannical oppression, he should be immediately reprimanded. This is a duty of the "Barbarian destroying Shōgun", and one which should not be delayed for a moment.<sup>2</sup>

CHAPT. LXXX.—With regard to the posterity of Owari, Kishiu, and Mito and the fifteen Kamon immediately following them, the

<sup>1</sup> Shinnō is the Prince Imperial and Miya are the other princes of the Imperial family. Shōshō (properly Sho-shi-dai) was the Shōgun's representative at Kioto.

<sup>2</sup> The five families were those of the five greatest territorial princes, who on their annual arrival in Yedo were entitled to the courtesy of being met and escorted to their palaces in the capital by a high officer of the Shōgun.

fortune descends to the eldest male child, and the revenue of their possessions shall not be divided among the remaining children. These last should choose some family of good pedigree and great wealth, and marry into it. The family thus allied shall rank only with the Kamon, who should receive them with amity. The thirteen families, however, may not become thus united.

CHAPT. LXXXI.—Daimiō with an annual revenue of 100,000 koku and upwards—the Gorōjiu, public officers, of the higher grades, and all Generals though in receipt of small incomes, are entitled to the same distinguishing insignia, etc., as the Lord of a province or a castle.

CHAPT. LXXXII.—The travelling *suites* of Fudai and Tozama, and likewise higher grades of officers, who may be on their way to assume their duties at Yedo, or returning from Yedo after being relieved, shall strictly observe the established rules. They shall not carry their flowery manifestations beyond the adjusted limits, neither shall they in aught detract from the regulations. They shall not disturb or harass the people at the post-houses, being puffed up with military pomp.

This subject should be impressed upon their attention by the Gorōjiu at the time of leave taking.

CHAPT. LXXXIII.—Regarding the charges for boats and rafts—men and horses, horse-hire, boat-hire, portorage, and so on should be regulated by the distance to be travelled, and weight by scale. This regulation should be made generally known to prevent misunderstanding.

The Horse-express, and Government Carriers, however, are not included in this regulation; particular care should be taken to afford them every facility for speedy locomotion.

CHAPT. LXXXIV (Omitted).—Regulates the complimentary presents to be made by Daimio to the Gorōjiu.

CHAPT. LXXXV.—Among the many employés there will be some who flatter, adulate, and endeavour to bribe influential men having authority; again there will be others, true men, who evince a grave and decorous respect towards their superiors.

The faithful and unfaithful are clearly apparent among these, and ignorance in distinguishing between them tends to degeneracy in the Government. Much reflection and grave consideration is requisite; and a liberality in punishment and reward.

CHAPT. LXXXVI.—Regarding the erection of (temples called) “Ji-in” and “Sam-mon”.<sup>1</sup> At the time I established the “Sandal

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<sup>1</sup> “Ji-in” means simply a Buddhist Temple or Monastery. Sandal Grove is the literal translation of the word Danrin, which is a fanciful term also for Buddhist Temples or Monasteries. Sam-mon means the front gate of a Buddhist Temple, but it is specifically used to denote Enriaku, the Temple of the Tendai Sect of Buddhists in Japan on Mount Hiei, founded by the Emperor Kwammu (782–806), the first Emperor to establish his capital at Kioto, destroyed by Nobunaga in 1591 (p. 174), and restored, though with very diminished splendour, by Iyeyasu. The Tendai sect took their name from Mount Tien-tai in China, where their doctrine was first preached, and where the welfare of the Emperor of China was specially prayed for. Kwammu erected an exact replica of the Chinese Temple on Mount Hiei, intending that the welfare of the Kioto Court should be specially prayed for as was that of China in the original Temple at Tien-tai. It was known as *the* Sam-mon, and the Abbot’s grievance was, that Iyeyasu had extended the honourable term to the other Temples which he built in Yedo and elsewhere.

Grove", an embarrassing remonstrance was made by the Chief Priest of the Sect of Tendai (Buddhist). He argued thus :

" My mountain is situated immediately under the Three felicitous stars exactly in the centre of the heavens, by permission of a former Emperor, who intended that it should give adequate protection to the Imperial Palace of the Empire. The idea was taken from the Tendai Sam-mon, instituted for the defence and protection of the Imperial Capital of another Empire [China]; and for this reason the term Sam-mon can be properly applied to my mountain alone throughout the Empire of the Rising Sun. By what right does the Shōgun raise another Sam-mon ? "

On this occasion I was dumb before him ! But at last I found words, and replied that I had established it in perpetuity in order that the omniscient Being of Kinjo [Emperor at the time] might attain eternal longevity ! I at the same time made a reform in the nomination of the " Ji-in " throughout the Sixty-six provinces and seventy-three different temples came to be termed " Sam-mon ". A memorandum was drawn up, setting forth their number and situation, and sent to the chief temple of Tendai on the eleventh day of the fourth moon of the second year of Bunroku (A.D. 1593).

From the first, though cognizant of the law, I yet wilfully made an innovation. This should not be done.

CHAPT. LXXXVII.—The title of Sei-Tai-Shōgun originated in the person of Yoritomo, and the ceremonies observed on appointment are the bestowal of the " Sancho-no-Fuyétsu " and " Chingo-no-In ", and the grant of the " Sambo-no-Gōréi " by the Emperor.

This office is similar to that of " Shingi-K'wan ",<sup>1</sup> inasmuch as samurai employed under it to fill official situations, high and low alike, are required, upon the death of a blood relation, to retire into solitary confinement to purify themselves from contaminating uncleanness, in accordance with ancient custom. This custom should be carefully and circumspectly maintained.

CHAPT. LXXXVIII.—To neglect one's daily occupation in gambling and excess in wine to stupefaction, is to rob the clear day light ; and although to yield to this can hardly be pronounced an insubordination, it is a practice eminently calculated to have an evil effect upon the lower classes, eventually resulting in the destruction of their families and the extermination of their lives.

It has been well said that " To be a teacher and not to teach, is the

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<sup>1</sup> Shingi Kwan—more accurately Jingi Kwan—was in former ages, the department of the Imperial Government which administered all matters connected with the Shintō religion, both Temples and ceremonies. The writer has consulted several Japanese friends in London, as to the other terms in this chapter, but in the absence of reference books and of the original Japanese version of the Legacy, none are able to explain or even translate them any more than the writer. Sanchō-no-Fuyétsu probably refers to a sword bestowed by the Emperor on the Shōgun at his investiture, though Fuyetsu strictly means battle-axe. Sambo-no-Gōréi probably means the orders or commands of the three precious things—Buddha, the Law, and the Priesthood ; and Chingo-no-In, the protecting palace, perhaps the castle of Nijō. The two last explanations are in the circumstances little better than guess-work as Sambō and In both have many meanings, varying according to the original Chinese characters with which they are written.



fault of the teacher ; but to neglect his teaching is the fault of the pupil." By this rule the severity or leniency of the punishment should depend upon circumstances.

CHAPT. LXXXIX.—When the four classes neglect their several avocations, they are reduced to hunger and cold, and eventually commence to break the laws, and vex and disturb mankind. These are serious crimes, and should be distinguished as capitally punishable.

. Incendiaries, forgers of seals, poisoners, forgers of coin, all these ruffians are liable to the severe punishments of burning, exposition of the head after decapitation, and crucifixion and transfixion.

CHAPT. XC.—In cases of investigation, if public and martial intimidating power is properly directed, there is nothing between Heaven and Earth, in the distant abodes of the Barbarians throughout the four quarters of the globe, at the roots of the grass, or even under the earth, which cannot be brought to light. The only thing which is difficult to discover is the thread of the heart of man. Yoritomo adopted an ingenious plan of Sokutaku of the Daito dynasty,<sup>1</sup> and caused the Sotsu-hearts of the lower orders to be reflected by suspending gold and silver, or advertising rewards, on notice boards which were exhibited in the thoroughfares and streets of the capitals.

This custom is still kept up ; but it is to be feared that there is an indisposition on the part of samurai to respond to the spirit of this principle of reflection.

CHAPT. XCI.—When the Imperial mode of government is unclear the five grains do not ripen.

When punishments and executions abound in the Empire, it may be shown that the Shōgun is without the virtue of benevolence, and degenerate. Such crises should induce reflection upon past conduct and concern not to act remissly or carelessly.<sup>2</sup>

CHAPT. XCII.—When laws are made by the eminent and issued to the people, a nonconformity to the provisions of such laws on the part of the eminent engenders ridicule and opposition on the part of the lower orders.

It is no easy matter to make one's practice conform to what one preaches ; so that it is incumbent to face one's own self, and investigate each particle of conduct with grinding torture.

CHAPT. XCIII.—When a Kokushiu or Riōshiu of great wealth shall unwittingly commit a fault against the Shōgun, or in the event of a difference of opinion between them, it hardly amounts to a punishable crime ; but when it is of such a nature as not to admit of its being lightly passed over, instead of criminating the offender, appoint him some arduous duty, incommensurate with the amount of his revenue.<sup>3</sup>

CHAPT. CXIV.—The departure from life of the Emperor, the Imperial Sire, the Imperial spouse or the Imperial mistresses, or any

<sup>1</sup> Daito, an Imperial dynasty of China.

<sup>2</sup> The five grains are rice, barley, millet, sorghum and beans. Wheat is included in barley.

<sup>3</sup> This was the method employed by Iyeyasu, when he advised Hideyori to rebuild the Temple of Daibutsu at Osaka.

of the Imperial blood relations, are occasions of profound darkness, and great and ominous calamity for the whole Empire. In high antiquity on such occasions the eight sounds<sup>1</sup> were suppressed within the four seas; and holidays and festivals on the 1st day of the year and months, the "Gosek'ku", the feast of the first appearance of the Boar, and all kinds of festivals were observed in silence.

When an occasion of public mourning arises, a fixed term of mourning should be appointed for observance by the Ministers of State, the "Sanko",<sup>2</sup> the Shōgun in office at the time, and by all Government officers; during which every instrument that emits a sound, of what kind soever, shall cease.

CHAPT. XCV.—It is the duty of the Shōgun to provide the necessary expenses upon the accession of the Emperor to the throne, and for the "Daijoyé". They should not be parsimoniously diminished in an infinity of ways.

CHAPT. XCVI.—On those occasions when foreigners come to offer presents, they should be entertained with proper abundance and uniform politeness. The beauty and elegance of the military accoutrements and the caparisons of the horses should be made to appear to the utmost advantage. From the port at which the ship arrives, as far as the Yedo capital, whether the road lie through Government or other territory, the castles and moats, and all the houses on the way should be in a thorough and complete state of repair, that the broad and extensive affluence, and the intrepidity of the military power of the Empire may shine forth. The whole management should be undertaken by the Ministers of the Shōgun.

CHAPT. XCVII.—When foreign vessels arrive by chance at our shores information of the fact shall immediately be given, and by means of written communication through an interpreter their business shall be learned. According to circumstances, they shall be treated with commiseration and benevolence, or with dignified reserve. In all cases a guard shall be placed on board for their restraint.

CHAPT. XCVIII.—The accessor to the imperial throne should look upon the people as one who nourishes an infant. How much more should the Shōgun to whom the Empire is entrusted cherish this feeling. The term applied to this feeling is "benevolence"; and benevolence includes the whole of the five relations. Further through its practice the noble and ignoble become apparent.

I, having learnt this, distinguish between the attachment of the Fudai and the reserve of the Tozama; nor is this discrimination at all at variance with Heavenly principles; it is by no means a partial and one-sided idea of my own.

<sup>1</sup> The eight sounds included music, dramatic performances, street cries, etc. The Go Sekku were the five principal annual festivals. The last occasion of great public mourning was on the death of the Dowager Empress in 1897. All music, etc., was then strictly forbidden throughout the Empire for one month.

<sup>2</sup> The Sankō were the three principal ministers of state at the Imperial Court at Kioto, the Daijo Daijin, the Prime Minister, and the Sa Daijin and U Daijin—the ministers of the Left and Right. In Japan, the left takes precedence of the right.

I cannot particularly accord this for transmission to posterity by tongue or pen ; but it is a subject which will naturally develop itself if viewed with deep attention from a medium point between the two extremes.

CHAPT. XCIX.—When rewards and punishments are not properly administered, faithful servants are hidden, and not made manifest ; when they are properly regulated all mankind esteem the one and dread the other.

There should not be the difference of the slightest particle of dust either in excess or insufficiency ; but they should be administered with self-possession, and after deep reflection.

Confucius has exemplified my meaning in his “ Comments on the Law of the Mind ”.

CHAPT. C.—Since I have attained to my present office, I have increased and diminished the ancient examples of successive generations of the house of Gen ; and although I have drawn up these several heads of rules of conduct, my object has been to be a transmitter, not a framer. I have not allowed myself to be in the slightest degree influenced by selfish motives ; but have rather embodied the foregoing Chapters as an example, which, although it may not hit the mark, will not be very far wide.

In all questions of policy cherish precedents and do not give exclusive attention to small or large matters ; let this be the rule of your conduct.

There are further subjects I would bring under notice, but I have no leisure.

Let my posterity thoroughly practise with their bodies the particulars I have above declared. They are not permitted to be looked upon save by the Fudai-Gorōjiu. In them I have exposed and laid bare the limited reflections of my breast. Let no future generation be induced to ridicule me as having the heart of a venerable old grandmother.

I bequeath this record to my posterity.