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AN EAST TEXAS AT AN ORIENTAL COURT:
RICHARD BENNETT HUBBARD, MINISTER TO JAPAN, 1885-1889

by *Jean S. Duncan*

On March 31, 1885, the announcement that President Grover Cleveland had nominated Richard Bennett Hubbard of Texas as Envoy Extraordinary and Minister Plenipotentiary to Japan was made public.¹ Hubbard, a Georgian by birth and an East Texan by choice, having settled in Smith County in 1853, was a graduate of Mercer University and attended the University of Virginia before receiving his degree in law from Harvard in 1853. He established what became a lucrative law practice in Tyler, and almost immediately became enmeshed in state and national politics. An unswerving and vocal Democrat, he achieved notoriety as an effective stump speaker and was in great demand as a political orator. His service to the party in the election of James Buchanan in 1856 won for him an appointment as District Attorney for the Western District of Texas, a position he resigned in 1858 to seek and win election as the youngest member of the Eighth Legislature, representing Smith County.²

Hubbard's political career was temporarily interrupted by service as a colonel in the Confederate Army and the resultant disfranchisement in the early post-war years. Meantime, his private fortune had been depleted, and the plantation which he had inherited on the death of his father in 1864 was not economically profitable. However, in 1872 he took the general amnesty oath and resumed his political activities. His active role as an elector for Liberal Republican Horace Greeley in 1872 laid the groundwork for the restoration of Democratic control of Texas, and from the ashes of the slanderous campaign of 1873, Hubbard emerged as Lieutenant-Governor.³ He was re-elected in February, 1876, and on the resignation of Governor Richard Coke to take office as United States Senator in December of that year, Hubbard became Governor of Texas.

His years as Governor were stormy, and Hubbard faced enormous problems, most of which were not resolved during his term of office. He did accomplish some reform of the penitentiary system, and he attempted to halt fraud in the irrigation companies and in land sales. He was less successful in protecting the frontier from hostile Indians, and in restraining outlaws. War with Mexico was almost a constant threat, but was averted in spite of a newspaper campaign to stir support for military action. One of Hubbard's greatest accomplishments, perhaps, was the encouragement of economic progress in the state through his efforts in behalf of stimulating immigration and supporting the construction of railroads.⁴

Political controversy was inevitable, and Hubbard lost his bid for renomination in 1878, but continued to be active in the Democratic party. In 1884 he was elected as a delegate to the Democratic National Convention where he served both as chairman of the Texas delegation and as temporary chairman of the national convention. When Grover Cleveland won the nomination, Hubbard stormed the state and large portions of the mid-west for the party.⁵ His faithful service and loyalty through the years made him a deserving candidate for an honorable appointment by the Democratic administration, and his nomination to the post as Minister to Japan was considered a just reward for services rendered.

The Tokyo mission was ranked in importance behind those of London, Paris, Berlin, and St. Petersburg, but was significant because of the emerging status of the Empire of Japan.⁶ From the Perry contacts in 1854 through the treaties of 1857 and 1858 negotiated by Consul General Townsend Harris, Japan had been relegated to a subordinate position to the Great Powers by the unequal restrictions gained through coercion. In the 1860s a series of upheavals brought constitutional changes within the Empire, and Japan began to emerge as a potentially powerful political, economic, and military nation. The Great Powers, however, were reluctant to grant equal status to the Oriental Empire, while Japanese leaders seemed equally determined to achieve that status through treaty revision.

United States Minister John Bingham, whom Hubbard succeeded, had laid the groundwork for revision treaties, and had recommended that the United States conclude a separate treaty with Japan since the other Great Powers were uncooperative. But President Arthur's administration had been unwilling to follow his suggestion. When Hubbard arrived in Japan in the spring of 1885, he had read extensively on the subject of Japan and Japanese-American relations and was already inclined to view the Japanese position favorably. He utilized his first few weeks to study the books and documents at the Legation, and came to admire the Japanese people and to believe that Japan deserved recognition as an equal power. He also determined to use every effort to resolve as many of the outstanding problems between Japan and the United States as possible.

A number of minor issues took much of his time.⁷ One problem involved the protection of fur seal and sea otter fisheries which were threatened. Hubbard met with Acting Foreign Minister Count Ito in the fall of 1887, and an unofficial agreement between the two men provided for reciprocal protection. The official agreement was delayed until after Hubbard's mission due to inaction by the State Department, but an incident involving an armed attack on a British schooner in July, 1888, clearly indicated that an international agreement was needed. The informal discussions and negotiations by Hubbard laid the foundation for the formal agreements that were reached later.

Another issue of special interest to American businessmen involved the piracy of American trade-marks and the reprinting of American books that were theoretically protected by copyright. Again agreement was reached informally when the Japanese government agreed to use administrative authority to prevent the reprinting of facsimile copies of American school books. The problem was complex because Japan was not a signatory of the Treaty of Paris on international copyrights, and also because of the intense opposition from Japanese businessmen. Obviously a formal agreement was needed, and this apparently would have to await treaty revision.

The most satisfactory accomplishment of the Hubbard mission was the negotiation of the first Extradition Treaty with Japan on April 29, 1886,⁸ after long and tedious discussions precipitated by the arrest by Japanese authorities of a California fugitive, Calvin Pratt. Pratt was turned over to the American Legation, but the other Treaty Powers, especially Great Britain, criticized the American request for his arrest, arguing that under the right of extraterritoriality, American officials should have arrested him without any reference to Japanese authorities. Hubbard disagreed with this position. He asked the State Department for authority to conclude a definitive treaty on the matter, and after receiving authorization, concluded the agreement. Final ratifications were exchanged September 30, 1886, after some minor difficulties over amendments and punctuation had been resolved. Reception of the treaty in both the United States and Japan was favorable, and the general consensus was that it marked an important step towards international equality for Japan.

It is evident from his correspondence with the State Department and the entries in his diaries that Hubbard considered treaty revision his most important task in Japan. He examined the archives on the subject for the past decade and found that his predecessor had been authorized to participate in an earlier conference in 1884. He held preliminary meetings with ministers of the other Treaty Powers, including British Minister Sir Francis Plunkett, with whom he maintained cordial relations in spite of their differences. It seemed to Hubbard that the other ministers were aware that the time had come for treaty revision, but there were wide differences of opinion on issues such as consular jurisdiction and the tariff as well as extraterritoriality. The conference was postponed on several occasions, but in the meantime some preliminary work was done in preparation for the forthcoming meeting.

One issue which vitally affected American businessmen involved the standard of refined kerosene oils. Japan favored a higher burning test standard than the United States considered sufficient because the lower burning test endangered the safety of the large cities in which most buildings were of wood structure. At the same time, Japan wanted to increase the duty from five percent to fifteen percent. Hubbard spent long hours in discussions with the Japanese Foreign Minister, Count Inouye, in an effort to come to some agreement. The Count promised to recommend to his government that the lower burning standard for kerosene be approved, and then requested that Hubbard concede Japan's position on the higher tariff. This Hubbard rejected, but assured Inouye that the tariff issue would be met at the proper time in a spirit of fairness and justice, and of compromise, if necessary. Hubbard realized that it was his duty to resist any unfair discrimination against the largest American export to Japan, a condition which would result if both the standard and the tariff were raised.

American missionaries in Japan were concerned that treaty revision would affect them adversely, and Secretary of State Bayard forwarded some of their suggestions to Hubbard. Hubbard agreed that a sudden and radical departure from extraterritorial privileges to a comparatively untried judicial system for Japan would be largely experimental. He did not feel that it would be unreasonable to provide for a probationary period, as Great Britain suggested, adding, "It is not even remotely anticipated that the discussions at the approaching Treaty conference will relate to any proposition looking to an *immediate* resumption of *complete national autonomy* by Japan."⁹ He did think that it would be fortunate for Japan if there were unanimity of opinion by the signatory powers on the probationary feature of the revised treaties.

The Treaty Conference assembled on May 1, 1886, at the Japanese Foreign Office, with all powers represented. Organization was completed, and Hubbard reported that the agenda constituted almost two thousand pages, not including the tariff articles. Not unexpectedly, the Conference adjourned after the initial meeting to give the delegates an opportunity to review the order of business and for individual conferences. The Conference reconvened on May 22, but it was soon evident that there was little hope for harmonious action. Hubbard reported that, in his view, "European Powers have their hand on Japan's throat and had rather *strangle* than *relieve!*"¹⁰ He seriously considered recommending that the United States withdraw from the Conference and negotiate separately with Japan, and indicated after the three long and inharmonious sessions in May and June that this action would be in line with the traditional policy of no entangling alliances. However, after a private meeting with Count Inouye, Hubbard agreed to remain at the Conference, but he found himself in contention against the other nations and in support of Japan.

After an adjournment during the summer months the Conference resumed in September, and met intermittently over the next several months. Hubbard

was discouraged with the lack of progress, and after an especially frustrating session involving the question of which languages should be used, Hubbard reported that if an agreement had not been reached then, he intended to have said to Japan that the United States would treat with her separately as an independent nation.

It was not until February, 1887, that any significant progress was evident. The *ad valorem* schedule proposed by Japan had been adopted, and the Special Tariff Committee was considering the schedule for specific duties. Hubbard learned, however, that Japanese officials had been making guarantees to the European powers without consulting him, and he came to the conclusion that the Japanese believed that the United States would accept anything, even commercial discrimination, if the European nations could at the same time be convinced to vote for the abolition of extraterritoriality. It was to the advantage of Japan to have the commercial and jurisdictional issues resolved simultaneously. Hubbard, however, believed the commercial questions could and should be resolved first, and that the jurisdictional issues should be reserved for consideration later.

In May, 1887, the Conference was ready to begin consideration of amendments to the Draft Commercial Convention, but after deliberations in which little was accomplished, the Conference adjourned. In the meantime, there were some unexpected problems in the Japanese Cabinet where several ministers opposed any concessions by Japan. As further opposition developed outside the Cabinet, it seemed that the adjournment was to be permanent. Hubbard assured Inouye that the United States stood ready to act either independently or in cooperation with the other powers to recognize the autonomy of the Empire. However, the disruption within the Japanese government frustrated any hopes of immediate treaty revision. Count Inouye resigned and was temporarily replaced by Count Ito, who also served as Prime Minister and who was himself succeeded in February, 1888, by Count Okuma. At the same time, there was continued intrigue among the Japanese and the other foreign powers.

Finally, in December, 1888, after the defeat of the Democratic administration in the United States, Hubbard reported that Japan had submitted to him confidentially a proposal to make a separate treaty of comity, commerce, and navigation. He felt it desirable that the United States conclude such a treaty, and asked for confirmation of his power to do so. He received the necessary authorization on January 7, 1889, and the treaty was ready, but Count Okuma delayed final approval and it was not until February 20 that the treaty was signed. It reached Washington after the change in administration and was not approved.

Hubbard realized that the Japanese were deliberately using delaying tactics as leverage to convince the other Treaty Powers to negotiate separately, but he hoped that the United States would be the first nation to sign such an agreement with Japan. The rejection of the treaty by the Republican administration meant that this would not be the case; by the summer of 1889 Germany and Mexico had signed treaties with Japan, and Russia, Austria, and Great Britain were expected to follow soon. John F. Swift, Hubbard's successor, wrote that the "supposed agreement" of the United States had brought down the entire fabric of existing treaty institutions in Japan.¹¹ If this analysis is correct, Hubbard's objective had been achieved.

The treaty with Japan, which was redrawn formally June 20, 1894 and became effective July 17, 1899, was, in substance, the same treaty which Hubbard negotiated during his last months in Japan.¹² It was a Treaty of

Commerce and Navigation consisting of twenty articles with some amendments, and signalled what seemed at the time to be friendly and equal relations between the two countries. It was considered of far-reaching importance because it did away with the old treaty methods which had been used for almost a half-century, and, as similar treaties between other countries and Japan became effective simultaneously, it marked Japan's recognition for the first time as an equal in all respects to the other nations.

Almost four years after his appointment to Japan, Hubbard prepared to leave. His patience and persistence were among the qualities which aided him in the negotiations. His cosmopolitan tastes, his intelligence and quick wit, and his gregarious personality contributed to the relish with which he enjoyed the social life which his position permitted him. His diaries are filled with references to dinners, some at the Imperial Palace, at which Hubbard and his wife enjoyed the rich food and wines and the lavish hospitality extended by the Royal Family of Japan and by members of the diplomatic corps. Hubbard was especially pleased by the warm reception accorded his wife by the Empress. He was a guest at the ceremony for the promulgation of the new constitution in February, 1889, and for the celebrations and reception which followed. The celebrations, with dinners and dancing, lasted for two days and were followed by a Royal Pageant which amazed Hubbard.

Unfortunately his term in Japan was also one of tragedy for Hubbard. His wife, the former Janie Roberts of Tyler, died in the summer of 1887 after a long and intermittent illness with symptoms similar to cholera. Hubbard himself was often ill and was plagued with obesity, which he made periodic, but not very successful, attempts to overcome. He was often worried about sickness which seemed to endanger his mother, his daughter and her children, and his son-in-law, Frederick S. Mansfield, all of whom had joined him in Japan where Mansfield took the position of First Secretary at the American Legation.

Hubbard's return to Tyler in June, 1889 was something of a triumphant procession. He was met at Mineola by a special train and a delegation to escort him and his wife's remains to his home. After a few weeks Hubbard resumed normal activities, receiving more than fifty invitations to speak in the first few months of his return. Many of these he declined, but he made appearances in a number of towns in East Texas and visited New York, Boston, and other cities in the east. He delivered a series of lectures on Japan and the Orient and worked on the manuscript of a book which was published in 1899. He also continued his interest in politics, though less actively than in the past.¹³

Hubbard died after a short illness on July 12, 1901. The funeral procession was described as the largest and most solemn pageant ever witnessed in Tyler, with an escort of a large detail of the Horace Chilton Volunteers in full uniform, marching to the muffled drum's beat and followed by some fifty Confederate veterans of the Albert Sidney Johnston Camp, No. 48, of which Hubbard had been a member.¹⁴ After the tributes and eulogies at the First Baptist Church, the procession moved to Oakwood Cemetery where Hubbard was laid to rest in the plot next to the remains of his wife, Janie. An East Texan whose accomplishments and services to his state and nation have rarely been exceeded, Richard Bennett Hubbard seems to deserve the epitath, however trite, "He served his people well."

NOTES

¹Chicago *Tribune*, April 1, 1885; *Washington Post*, April 1, 1885. The announcement received a mixed response in Texas newspapers where a number of editors expressed the

view that Hubbard should have had a post with more prestige, and some even considered the Japanese appointment as banishment. See *Galveston Daily News*, April 2, 4, 5, 6, 1885; *Austin Daily Democratic Statesman*, April 1, 2, 5, 1885; *San Antonio Daily Statesman*, April 5, 1885; *Waco Daily Examiner*, May 1, 1885; *Fort Worth Daily Gazette*, April 20, 1885.

²The earliest biographical sketches of Hubbard were published by contemporaries who apparently relied on information supplied by him. William De Ryee and R.E. Moore, *The Texas Album of the Texas Legislature, 1860* (Austin, 1860), and William S. Speer and John H. Brown (eds.), *The Encyclopedia of the New West* (Marshall, Texas, 1881), 30-40.

³Jean S. Duncan, "Richard Bennett Hubbard: Texas Politician and Diplomat," (Ph.D. Dissertation, Texas A&M University, 1972), 33-66.

⁴J.S. Duncan, "Richard Bennett Hubbard and State Resumption of the Penitentiary, 1876-78," *Texana*, XII (1974), 47-55; Executive Correspondence, 1876-1879, Archives, Texas State Library, Austin, Texas; Richard B. Hubbard, Governor's Private Letter Copybook, No. Two, courtesy of Mrs. Louise Mansfield Porter, Hollywood, California. A summary of Hubbard's record appeared in the *Dallas Morning Call* and was reprinted in the *Victoria Advocate*, April 13, 1878.

⁵*Chicago Tribune*, July 7-11, 1884; T.R. Bonner, "A Sketch of the Life and Public Services of Hon. Richard B. Hubbard, Ex-Governor of Texas and Late Temporary Chairman of the National Democratic Convention at Chicago," in the Papers of Grover Cleveland, Microfilm Nos. 2373-2377, Texas A&M University Library.

⁶Hubbard's own account of his mission is Richard B. Hubbard, *The United States in the Far East; or Modern Japan and the Orient* (Richmond, Va., 1899). The fullest account of the mission is in Payson J. Treat, *Diplomatic Relations Between The United States and Japan 1853-1895*, (2 vols.; Stanford University, California, 1932).

⁷Department of State, Despatches Nos. 1-574, 1885-1889, from United States Minister to Japan. Microfilm, in author's possession. Richard B. Hubbard Diary, 1886, 1889, courtesy of Mrs. Louise Mansfield Porter, Hollywood, California.

⁸Hubbard, Diary, 1886, entries for April 29, 30.

⁹*Ibid.*, entry for March 5.

¹⁰*Ibid.*, entry for May 28.

¹¹Swift to Blaine, July 16, 1889, Department of State Despatches, No. 25.

¹²A summation of the terms of the Treaty of February 20, 1889, is found in Treat, *Diplomatic Relations*, II, 289-290. See Hubbard, *The United States in the Far East*, 345-384, for his comments on the treaty which was to be effective July 17, 1899, the articles and amendments of the treaty, and some of the speeches he made during his negotiations in Japan.

¹³Duncan, "Richard Bennett Hubbard: Texas Politician and Diplomat," 230-247.

¹⁴*Daily Tyler Democrat Reporter*, July 15, 1901.