

Tosa in the Sixteenth Century: The 100 Article Code of Chōsokabe Motochika

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The latter decades of the sixteenth century witnessed sweeping institutional changes in all parts of Japan. In each geographic area new military leaders arose who were unwilling to accept the restrictions of earlier systems of tenure, revenue, and authority. Instead they groped toward new patterns of social and political organization, for which they also worked out new justifications and codes. The over-all dimensions of the process are best studied in the central provinces, and they have recently been summarized and discussed by John W. HALL¹. From this development emerged the full consolidations of bureaucratic and territorial institutions of Tokugawa times².

In more remote areas of southwestern Japan a comparable process was at work. In some respects better documented through the survival of early records, it permits specific illustration of the manner in which the new daimyo built upon the institutions they inherited as well as illustrating the social cost of the process for some of the men who helped bring it about. Examination of such a case also shows the way developments in relatively distant provinces were affected and channeled by policies worked out by the contenders for hegemony on a nation-wide scale, men who anticipated the national, yet decentralized, order of Tokugawa times. Such a case, described with a minimum of cultural translation of institutional terminology, in its own vocabulary and on its own terms, may also contribute toward the discussion of institutional uniformities in history without prejudging the issue.

The province of Tosa, a fan-shaped realm on southern Shikoku and supported from the narrow band of land that runs along the Pacific with its additional food supplies, contained perhaps three hundred thousand inhabitants in the late sixteenth century. Bounded by mountains on all land borders, the province divides into the central Kōchi plain, which gives the modern prefecture its name, and the districts of Hata to the west and Aki to the east. Of these the central plain, more populous and fertile, has

¹ "Foundations of the Modern Japanese Daimyō", *The Journal of Asian Studies* XX, No. 3 (1961/May), 317—329.

² A process admirably and succinctly described by KANAI MADOKA, in: *Hansei* (Tōkyō, 1962), 150 p.

been most contested and most strategic, and the outlying areas more secure and less developed. Sources for the institutional transformations in early modern Tosa are unusually full. The sixteenth century land survey, which will be noted below, survives in its entirety and is now available in a printed edition. *Shō* records provide continuous documentation of at least one territorial and administrative unit into Tokugawa times. The 100 Article Code of CHŌSOKABE MOTOCHIKA, one of the nine major codes of this period, is also one of the richest and fullest, and, taken together with the land survey, gives both the goals and the achievements of one of the most important realm builders of sixteenth century Japan³. From this picture, assiduously studied and analyzed by a group of able local historians in recent years⁴, one can see the emergence of local peculiarities and attitudes which survived through Tokugawa times and remained alive to provide additional fuel for nineteenth century revolutionary theory and practice⁵.

Chōsokabe Motochika (1539—1599)

Although the name Chōsokabe⁶ belongs in any list of "new" daimyo of the sixteenth century, the family possessed a much longer pedigree of office than was the case with most daimyo of the Sengoku Period⁷. The family name appears in Tosa records from Kamakura times on as a holder of the *jilō* rank, and it rose in prominence during Ashikaga times as supporter of Ashikaga Takauji and later as subordinate of the Ashikaga deputy for Shikoku, Hosokawa. Chōsokabe's loyalty was rewarded with appointment as Temple Commissioner (*tera bugyō*), with responsibility for the important Kyūkoan, on Godaisan, near present Kōchi City. The seat of Chōsokabe power was in the central Kōchi plain, in Nagaoka district. Here the slight eminence at Okō provided the site for an early fortification under whose protection the Chōsokabe organized a group of about sixty *myōshu* as *kokujin* or *kunizamura*.

When the ōnin wars broke out at the imperial and shogunal capital of Kyoto in the late fifteenth century deputies of distant authority were everywhere summoned home to defend their masters. In Tosa, as elsewhere, the lapse in Hosokawa attention provided opportunity for the

³ Printed sources include *Kinsei sonraku jichi shiryō-shū*, Vol. 2, *Tosa no kuni jikata shiryō* (Tōkyō, 1956); *Chōsokabe chikenchō* (Kōchi, 1957—60), 5 vols., *Nan-roshi* (Kōchi, 1959).

⁴ Among them: YOKOGAWA SUEKICHI, *Ōsato shō no kenkyū* (Kōchi, 1959); YAMAMOTO TAKESHI, *Chōsokabe Motochika* (Tōkyō, 1960); INOUE KAZUO, *Chōsokabe okitegaki no kenkyū* (Kōchi, 1955).

⁵ Marius B. JANSEN, *Sakamoto Ryōma and the Meiji Restoration* (Princeton, 1961), p. 20 foll.

⁶ The Tosa preference is for Chōsokabe, but since contemporary evidence is no longer available these pages follow Tōkyō usage.

⁷ The most ambitious claim for Chōsokabe had them descended from Ch'in Shih Huang Ti. For other daimyo of the period, Ito TAZABURŌ, *Nihon hōkensei shi* (Tōkyō, 1959), p. 212 foll.

development of local ambitions. Earlier institutions were by no means abandoned; the *shō* set up centuries earlier continued to exist, but needs of law enforcement and self protection accelerated the importance of the bands of armed field holders, the *myōshu*, and the *jitō* who vied for leadership. The provincial scene also attracted people of eminence from the center. The court noble Ichijō Norifusa, *kampaku* or "Chancellor" since 1458, fled the warfare around Kyoto in 1468 to take refuge on his estates in western Tosa, Hata. Here he settled on his *shō*, and laid out a small town, Nakamura, on the approximate lines of the Kyoto he had abandoned. Its ambitious and unfulfilled street and temple plans long remained as evidence of his nostalgia for the capital. The Ichijō line was for some time the most important of the seven families which competed for primacy, each in its own sphere of interest; it was more remote and secure than were the Chōsokabe at the center, but it provided no leaders of the stamp of the two Chōsokabe family heads who built modern Tosa.

This process began in the middle of the sixteenth century. Chōsokabe Kunichika, beginning with a small band of rustic warriors, very nearly suffered total eclipse when he lost his fortification at Okō. Through the help furnished by the Ichijō, who gave him sanctuary, he managed to rebuild his following, regained his hill and his standing. Like his six principal competitors, he was secure only as long as his neighbors and subordinates failed to attack him in the rear while he aggressed against his adversary of the moment. It required an adroit sense of tactics and timing, the right combination of promises and justifications for breaking them, for him to enlarge his sphere of interest. Yet given his abilities his central position, in one sense a disadvantage, was also an advantage. By the time of his death in 1560 Kunichika had eliminated his immediate neighbors and established substantial, though not complete, control over the vital center of the Kōchi plain.

Chōsokabe Motochika succeeded to the family leadership and responsibilities in 1560, and immediately set out on a series of battles that gradually grew in size and complexity from armed raids to military campaigns⁸. Within half a decade he had come to dominate virtually all of the central plain, so that his primacy was contested only by the Aki to the East and the Ichijō to the west. He had secured a minor court rank (*Kunai no shō*), he had converted several rivals into collaterals by forcing them to adopt his relatives as heirs, he had utilized a loose alliance with the Ichijō to checkmate their subordinates on his west flank, and he had begun the preparation of his emerging "realm" to increase his military capabilities for defence and offence.

In 1569 Motochika was ready to attack to the east. An affront to his Ichijō allies provided him with pretext for war, and the army of some seven thousand men he led against the Aki showed his new potentialities.

⁸ The biographical account below is taken from the excellent recent work by YAMAMOTO, *Chōsokabe Motochika*.

The Aki were crushed. Meanwhile Motochika's preoccupation had tempted Ichijō supporters on his rear to molest his subordinates, so that the provocation for punitive measures to the West lay ready at hand. Domination of Hata district required another five years. It was made easier by the degeneration of Ichijō leadership, which had advanced so far that vassals changed sides. The extinction of that line, and the reduction of isolated areas of further resistance, brought Motochika undisputed control of Tosa in 1574.

Up to this point Motochika had not made any fundamental changes in the systems of allocation or privilege in the areas he had conquered; he had, indeed, defeated leaders and won over subordinates, but he had not conquered land with a view to administering or exploiting its resources. Hata district he had allotted to his younger brother, the adopted head of the Kira family. Yet the number of Motochika's followers and their expectations of reward for their services had increased dramatically. It was always easier to reward them with some one else's land, and inevitably thoughts of conquests beyond the borders of Tosa arose. The provinces of Sanuki (modern Kagawa Prefecture), Awa (Tokushima), and Iyo (Ehime) offered hopes of richer harvests and participation in national leadership, and it was to conquest of them and hegemony of all Shikoku that Motochika now bent his efforts. The armies he now led were larger than any he had yet assembled; he led a reported twelve thousand men in the invasion of Sanuki in 1579, and for Awa and Iyo the numbers rose, according to some sources, to 36,000 men. Although there were some setbacks and numerous compromises with local leaders involved, Motochika's forces were everywhere successful; by 1585 he had emerged as hegemon of Shikoku.

Motochika was now involved in national politics, whether he wanted to be or not. There is evidence that he was willing to face this, and that he even considered backing the last Ashikaga pretender to shogunal authority. But his more immediate problems were the major contenders for national leadership, Oda Nobunaga (d. 1582) and Toyotomi Hideyoshi (d. 1598). On the larger scene the situation was as fluid as it had been on the Kōchi plain when Motochika began his conquests, and his adversaries regularly implored help from, and promised subordination to, other military figures. Motochika had succeeded in taking Iyo because the neighboring daimyo on the main island of Honshū, Mōri, had been hard pressed by Nobunaga and unable to respond to pleas for assistance, and Motochika had taken the precaution of sending envoys to Nobunaga before his excursions from Tosa to explain his purposes and win his approval. Nobunaga is said to have described Motochika as a "bat on a birdless island", and he seems to have approved Motochika's moves in the confidence that he could appear as a greater bird of prey whenever it suited his convenience to do so. In 1582 Nobunaga was in fact preparing an expedition to take Iyo and Sanuki away from Motochika, but his death in that year instead led to a period of uncertainty in which Motochika was able to consolidate his gains in Shikoku.

In national affairs Motochika showed little of the adroitness and timing that had marked his rise to power in Tosa. During the prolonged jockeying between Ieyasu and Hideyoshi he sided with the former, only to have his "ally" make peace with Hideyoshi. It was now Hideyoshi's turn to carry out Nobunaga's pattern and to demand Sanuki and Iyo of Motochika. Motochika tried to hold on to one of these provinces, and instead lost Awa in addition when he proved unable to withstand the invasion that Hideyoshi mounted. In 1585 he swore fealty to Hideyoshi and found himself restricted once again to Tosa.

The rest of Motochika's life was spent fighting Hideyoshi's wars. As symbol of his entry into Hideyoshi's family he took the name Hashiba and styled himself *Tosa no kami*. He contributed wealth and lumber to Hideyoshi's building plans. He led an army — and lost a favorite son — in the Kyushu battles against Shimazu. He led an army against the Hōjō at the siege of Odawara in 1590, and in 1592 and again in 1597 he led armies to Korea. He died at Fushimi, where he had taken his son and successor Morichika to pledge loyalty to Hideyoshi's young son Hideyori, in 1599; the following year that son lost his realm after his commitment to the losing side in the battle of Sekigahara which ushered in the years of Tokugawa hegemony.

Organizing the Realm: the *Kashindan*

After the unification of Tosa, Motochika's first thought had been further conquests to reward his men. Hideyoshi's invasions of Korea, following the unification of Japan, had some of the same motivations. An end to foreign conquest brought the careful management of status, office, and income that characterized the Tokugawa polity; in the Tosa case, the failure to retain other Shikoku provinces made it necessary to set about the reorganization of the realm. The difficulties Motochika experienced with the rationalization of his military bureaucracy served to forecast the finality of the separation of samurai and land that was prerequisite to the stabilization of social classes of Tokugawa times.

The immediate impetus to Motochika's reorganization of his warriors seems to have been the rough handling his armies received from the Hideyoshi and Shimazu generals. There was, indeed, a considerable difference between the professionals who blocked his path to power and the part-time warriors who had served and opposed him in Shikoku. A retainer summarized the difference in these terms during the discussions which led to the surrender to Hideyoshi; the mainlanders, he said, had immensely superior arms and equipment; their big horses were elaborately fitted with hardware of carved gold and silver, enough to make one's eyes pop out; when in formation, with their carefully made pennants fluttering behind their ranks, they made a majestic appearance. In contrast, of the Shikoku men "seven out of ten are mounted on Tosa ponies, wooden stirrups dangling from crooked saddles. Their coats of armor are cut of

wool so rotting that it is held together by hemp twine, and their pennants are thrown across their laps. They cannot be compared to the *kamigata* warriors." It had, he went on, been a futile effort to try to resist the enemy, as Tosa could not match one tenth of the strength the other had⁹.

Nevertheless the unimpressive, poorly mounted and equipped Tosa figure had been the basis of Motochika's rise to power. He owned his horse and weapons, and possessed enough land to support himself, so that he was known as *ichiryō gusoku*¹¹. Usually drawn from the *myōshu* and *jitō* groups, he was independent in means and attitude, however shabby in appearance. The *ichiryō gusoku* was part farmer, part fighter. As a Tokugawa Tosa gazeteer, the *Nanroshi*¹⁰, put it, "The *ichiryō gusoku* of Chōso-kabe times had a few paddies as *ryō* and performed almost no duties. They stayed secluded on their own property and did their own cultivating; they didn't mix with other samurai, and they knew nothing about propriety and courtesy. The only thing they prized was fighting courage. Even when they went into their paddy to cultivate, they tied their saddles to the handle of their lance and stuck it in the ridge between paddies; if someone gave the word, they would drop sickle and plow and dash off¹¹."

No doubt they entered their paddies more to supervise than to plow, for their local standing and the requirements of paddy agriculture provided them with a good chance to conscript labor. Their *ryō* was in any case seldom an integrated holding, and its varied plots required much care. An early seventeenth century work on agronomy compiled in Iyo describes *ichiryō gusoku* holdings there as averaging 1 *chō*, two and one quarter *tan* (in modern terms, slightly over three acres) and describes the total days of duty labor required for such a collection of wet and dry fields at 811 per year¹²[2]. But whether or not such landlord-warriors tilled with their own hands, their personal involvement in farming with dependents and followers¹³ meant that they, and not the daimyo, controlled the countryside and its income. In the Shikoku wars, where they met their counterparts from neighboring provinces, their enthusiasm and courage

⁹ Quoted by IRIMAJIRI YOSHINAGA, *Tokugawa bakuhansei kaitai katei no kenkyū*, (Tōkyō, 1957), p. 208, from *Kainan jiranki* (1913).

¹⁰ A gazeteer of Tosa compiled by MUTŌ MUNEKAZU (1741—1813), of which a partial published edition began to appear in Kōchi in 1959.

¹¹ Quoted by IRIMAJIRI, *op. cit.*, p. 209. One is reminded of R.R. PALMER's recent description of Polish nobles who, "possessing a few acres and a horse, made a shabby living by doing the farm labor themselves. Travelers saw them going into the fields wearing their swords, which they hung on trees as they went about their plowing or their digging." *The Age of the Democratic Revolution* (Princeton, 1959), p. 415.

¹² The *Seiryōki*[2], written in 1628, is described as the oldest work on agronomy in Japan. A published edition, edited by IRIMAJIRI YOSHINAGA, appeared in Tōkyō in 1955. See also IRIMAJIRI in *op. cit.*, p. 218.

¹³ The *tezukuri* system, described by THOMAS C. SMITH, *The Agrarian Origins of Modern Japan* (Stanford, 1959), p. 5 foll.

had suited Motochika's needs admirably; in the case of an attack on Awa, when Motochika met separately with his most powerful retainers and with the farmer-warriors, the enthusiastic urging of the latter for the proposal to attack led him to ignore the reservations their superiors had raised against it¹⁴. But since they had proven inadequate in battles with Hideyoshi's full-time warriors, and since their holdings stood to prevent the buildings of a corps of professionals in Tosa, changes were in order. The *kumi*, or band, of *kokuji*n, landsleute, began to give way to the retainer corps, or *kashindan*^[3].

Motochika had prepared the top brackets of this organization by his absorption of early neighbors and adversaries through their adoption of his relatives and heirs. The *ichimon*, as they were known, came to be headed by two of Motochika's younger brothers and two of his younger sons. Since these families came to have considerable holdings and importance, a firm division was next made between their retainers, Motochika's rear vassals (*baishin*), and his direct retainers (*jikishin*), who numbered, at the time of Motochika's death, 9,736. The *ichimon* were prestigious, but (like the Tokugawa *gosanke* and *kamon*) they were kept outside of the main decision forming process; when the Kira house head (Motochika's brother) tried to protest Motochika's selection of his fourth son as heir and successor, he was condemned to death and his lands declared forfeit. Active counsel was kept within the ranks of the top-ranking *jikishin*. *Karō* (lit. house elders) were military leaders and also furnished from their ranks the three Commissioners (*san bugyō*) with over-all administrative responsibility. Under them served magistrates (*sho bugyō*) to regulate shrines, appeals, award lands, travel, communications, land, wells and moats, and materials¹⁵. Below these, the soldiers were organized in groups familial in name but not in fact; *yorioya* (unit commanders) instructed and led their *yoriko*.

In terms of national patterns, Motochika had taken only the first steps on the road to organization and rationalization of his military and administrative force, and there is evidence that by the end of his career a considerably greater rank differentiation was being worked out¹⁶. Additional steps would require modification of the *ichiryō gusoku* into professional soldiers or full-time agriculturalists. Only professional soldiers maintained by their daimyo could be expected to give proper attention to the endless campaigns that vassalage to Hideyoshi had involved for Motochika, and absent soldiers could not long continue the direction of agriculture and village subordinates. In any case, it was Hideyoshi's desire to achieve a

¹⁴ YAMAMOTO, *Chōsokabe Motochika*, p. 93.

¹⁵ YAMAMOTO, op. cit., p. 176. Later Motochika showed his respect for Hideyoshi's enthusiasm by appointing a Tea Ceremony Commissioner as well. p. 222.

¹⁶ INOUE, *Chōsokabe okitegaki no kenkyū*, p. 186 foll., provides details of ranks and holdings of the principal retainers.

clear separation between agriculturalist and soldier. What was needed, therefore, was a clear demarcation, and shift, from estate through fief to salary; or, in the terms of the Tosa land survey, from *honchi* ^[4], through *kyūchi* ^[5] until the warriors, separated from their holdings, resided in *Kōchi* and received a regular *hōroku* ^[6]. The first steps in this process can be followed through Motochika's land survey and efforts to develop a castle town.

The Chōsokabe Cadastral Survey

Hideyoshi ordered all his vassals to conduct cadastral surveys and prescribed uniform measures and methods to be used and followed. These surveys had as one goal the identification of a class of producing farmers permanently separated from martial callings who would be solely responsible for the tax yield of the fields they worked. They were also an essential prerequisite to efficient local administration. Population increase and the growth of specialty products had placed in dispute boundaries between areas and villages; mountain and woodland areas, poorly demarcated, could also go untaxed. The goal of clarifying local administration was in large part achieved, and it could be maintained with strenuous warnings against "hidden" fields like those contained in the Chōsokabe 100 Article Code. The social stratification, however, could be speeded, but not carried out, by such surveys; they accelerated, but first recorded, the trends of their time.

Chōsokabe Motochika, like other daimyo, had conducted earlier, less intensive surveys, basing them upon documents (*sashidashi*) accepted from subordinates at the time of surrender or fealty. Immediately after the Kyushu fighting of 1587, in which he fared badly, Motochika returned to inaugurate the new survey. He instructed his officials that they were not to show partiality, they were to keep their pledges, to abstain from liquor while the survey was in progress, to work a full day, to resist all invitations to entertainments by village heads and farmers; they were not to be swayed by arguments or evidence of precedents, but they were to measure fields and grade them, efficiently and accurately¹⁷. The main work for the survey was done between 1587 and 1590; several years later supplementary surveys were conducted to tap newly reclaimed lands that had come into cultivation.

The Chōsokabe survey is one of the few of that period to survive in its entirety, largely because it served as basis for taxation and local administration throughout Tokugawa times. It lists every house, field, and taxpayer of its day, and in its completeness it permits studies of personal

¹⁷ Some of the instructions quoted by HIRAO MICHIO, "Kaisetsu", in *Chōsokabe chikenchō*, Vol. I (Kōchi, 1957), p. 670.

[4] 本地

[5] 給地

[6] 俸祿

holdings of members of Motochika's staff. The arable fields of the realm were listed as producing 248,000 *koku* of rice; of this acreage approximately one tenth was in the hands of the daimyo¹⁸. The greater part of this, however, lay in Hata and Aki, the areas most recently subdued, whose earlier rulers had been most completely destroyed. For his chief retainers, as for Motochika himself, the survey provides evidence of rapid increase of wealth after the last stage of conquests within Tosa had begun. Thus one of his chief officials, Hisatake, began as a *myōshu* with slightly over 4 *chō*; to this he added 97 as award lands (*kyūchi*) and smaller amounts through purchase and for residences to make a total of about 125 *chō*. Hisatake's *kyūchi*, however, were scattered in five districts and 26 villages, and were far from an integrated sub-fief. On his original lands, or *honchi*¹⁹, he worked with his own tenants and subordinates, in the *tezukuri* style of extended family cultivation; for others he was clearly dependent upon the development of patterns of rural administration. Thus Hisatake, a "modern" administrator for his daimyo who filled a variety of posts, held lands both in the pre-survey manner and in the post-survey pattern of dependence upon the new autocrat²⁰.

The Chōsokabe survey listed by name mostly persons of substances in the countryside; *myōshu*, *jitō*, or established farmers with tenure rights. In the case of a large landholder like the afore-mentioned Hisatake, dependents in positions of agricultural responsibility might also be listed. But most members of semi-free categories — *genin*, *hikan* — mentioned in the Code do not appear at all. When they do appear, they are so listed; at other times, gradations of importance are conveyed by the size and location of the characters with which the name is recorded²¹. Rural inequality is further documented in the fact that more houses, (for the which the count is presumably complete) are listed than families to live in them. Frequently these are ascribed to *kage no mono* — literally "shadow people" — who live in subordination, or under the shadow of those whose names do appear²². Thus gradations of land (good, average, poor; *jō* — *chū* — *ge*), of status, and of tenancy, are all indicated in the survey, which offers a unique opportunity to study the complex pattern of institutional development that had survived into the sixteenth century.

It is striking to note that of the names that do appear, almost 80% hold less than 5 *tan* of land (one and one quarter acres). From this it has been suggested that the survey documents land fragmentation and inequality;

¹⁸ YAMAMOTO, *op. cit.*, p. 197. Contemporary computations were made at the basis of one *koku* per *tan*; Chōsokabe fields totalled 2, 375 *chō*.

¹⁹ The *honchi-kyūchi* distinction is worked out by YOKOGAWA SUEKICHI, *Ōsato shō no kenkyū*, p. 97 foll.

²⁰ YOKOGAWA SUEKICHI, "Chōsokabe chikendō: Hisatake Kuranosuke no kenkyū", *Tosa shi'dan*: (New Series, No. 16) No. 95 (Kōchi, 1959), p. 1—14.

²¹ YOKOGAWA, in *Kōchi Shi shi* (Kōchi, 1958), p. 253, 258; in *Ōsato shō no kenkyū*, p. 93—97; for the national scene, SMITH, *op. cit.*, p. 3 foll.

²² YOKOGAWA SUEKICHI, "Chōsokabe chikendō no yashiki nauke ni tsuite", *Tosa shi'dan* (New Series No. 6), No. 85 (Kōchi, 1955), p. 1—5.

for every *myōshu* listed there are seemingly independent, but probably semiindependent, followers who also appear²³. In time, no doubt, facts caught up with appearances, so that the subordinates grew into the petty landholders who emerged as Tokugawa village members. If, as authorities agree, petty holdings of this size distinguished men of some substance in the village, one can imagine the degree of welfare that faced those too lowly to be listed.

The Chōsokabe survey permits the historian to note Motochika's goals and his degree of success. By scattering the rewards in land for his warriors in small, diverse plots, he kept them from being able to exploit and farm them by the *tezukuri* system, forced them to accept an annual produce tax, and took them one step away from their status as *ichiryō gusoku*. On the other hand, the warriors' retention of their *honchi* despite larger *kyūchi* also tells something of the tenacity of traditional holdings and customs in Tosa. Motochika, who had risen to power with such men, could only with difficulty force them to give up their bases. He himself, when offered Ōsumi by Hideyoshi after the death of his son in action against the Shimazu armies in 1587, begged to be allowed to retain Tosa, perhaps because of his retainers' urgings. That some progress had been made toward the establishment of a countryside rationally administered by civilians is, however, indicated in the language of the 100 Article Code with its underlining of the authority of village and coastal headmen (*shōya, tone*). The entrustment of specific powers to such men, who were to be obeyed because charged by their daimyo and not because they were also samurai, began here, and it developed until by Genroku times the Tosa *shōya* was fully responsible for his area of administration.

The Castle Town

Given the tenacious retention of the warriors' original land holdings and the modest dimensions of most warrior grants, it is evident that the effort to move all retainers to the castle town would meet with difficulties. Yet the attempt had to be made, for hopes of centralizing rural administration had no chance of success unless the soldiers could be placed under discipline and kept in economic dependence. Moreover Motochika needed and wanted a populous and thriving castle town, of the sort then growing around the fortresses of his peers elsewhere in Japan.

Motochika's first efforts at developing a castle town were at Okō, where he organized artisans and merchants and tried to attract retainers, but without success. In 1588 his new national responsibilities made it seem appropriate to try again at a new site, and he moved his capital to Ōtakazaka, on the site of the present city of Kōchi. This time his town was more obviously dominated by the administrators who laid it out. Motochika set aside some seven and one half acres for commerce and artisans, and again set about urging his retainers to move to town. Again

²³ YOKOGAWA, in *Kōchi Shi shi*, p. 254 foll.

the response was poor. The land survey, which had listed 125 houses for Okō, records 132 for Ōtakazaka. There is evidence of some disaffection among the *ichiryō gusoku*, who were least able to stretch their resources to finance the move, and one source reports a brief rebellion. Whether or not the rising took place, it is not hard to imagine that the petty warriors were by this time hard put to make ends meet in view of the expensive allegiance to Hideyoshi which Motochika had taken up²⁴.

In 1591 Motochika moved his castle and tried again, this time at Urado, directly on Kōchi Bay. Here his sea connections to Osaka and Hideyoshi were excellent, and here, too, he could build on the fortifications of an earlier rival family. Again special efforts were made to attract and reward merchants. Of the specially honored "official" merchants (*goyō shōnin*) several came from outside of Tosa, including one from the province of Harima whose place of business later provided downtown Kōchi with its best known name²⁵. The 100 Article Code went to considerable effort to set wages for artisans and services, and it added encouragement for trading ventures by Tosa shippers. Yet retainers continued reluctant to make the move. The land survey, compiled before Motochika's efforts had had their full effect, could list only 64 houses for Urado, and even the most favorable view of the contemporary population of all villages comprehended in which might be called Greater Kōchi can estimate only 3100 residences with a possible 20,000 people in the area²⁶. No doubt, too, some of the merchants who were present came as dependents of samurai families; some retainers, like Hisatake, were themselves active in business activities of a primitive sort²⁷.

There is abundant evidence that this urban growth was far less than the daimyo desired. As late as 1600, edicts warned of extra labor for retainers who failed to come and promised exemptions from duty for those who complied with instructions; wives and families, it made clear, should also be brought²⁸.

Ichiryō gusoku who could not afford to comply with such instructions had little real alternative to giving up their warrior status. The clauses in the 100 Article Code that regulate such transactions clearly tried to slow the process, but they could not fail to approve its long run effect of separating warrior from farmer.

The daimyo as lawgiver

One can sense in these changes the way in which the fundamental nature of the relationship between Motochika and his retainers had been altered.

²⁴ YAMAMOTO TAKESHI, "Chōsokabe seiken no henshitsu to ichiryō gusoku", in *Nihon Rekishi*, No. 117 (Tōkyō, March 1958), p. 69—77.

²⁵ YAMAMOTO, *Chōsokabe Motochika*, p. 207.

²⁶ YOKOGAWA, in *Kōchi Shi shi*, p. 261.

²⁷ YOKOGAWA, "Hisatake Kuranosuke", *Tosa shi'dan*, p. 95.

²⁸ Quoted in *Kōchi Shi shi*, p. 238—240.

The squirarchy whose bellicose advice before his entry into Awa had seemed so admirable to Motochika a decade earlier had become a limitation on his wealth and power of manouver. Increasingly aloof from his retainers, Motochika became also more despotic and arbitrary in his dealings with his counsellors; he was concerned to become ruler in fact as he was in name. His survey and his administrative measures showed the effort to overcome his handicaps and achieve the kind of dominance and wealth that characterized his contemporaries in the more populous and economically advanced areas along the Inland Sea.

Bit by bit Motochika put himself into the role of Confucian ruler and moralizer as well. During his early campaigns he had often gone out of his way to protect, restore, and support Buddhist temples. Like his father, he took Buddhist orders in his advanced years. But Confucianism too made its impression upon him as the path for the proper ruler, and the moral tone he adopted in his Code brought him to the threshold of the Tokugawa daimyo ideal²⁹. The outstanding product of this is his 100 Article Code, which shows Motochika's goals and some of his problems.

The Code was not meant to be a public document. In all probability it was read to the principal Chōsokabe retainers as guide to their activities when in office. It sets forth in great detail regulations for officials, priests, and samurai, and establishes the line for social morality that is to be observed. Twenty-nine articles deal with infractions of law and punishments, fifteen deal with taxes, another fifteen regulate officials procedures, and others spell out minor regulations. Six articles stipulate samurai services, and others apply to Buddhist priests. Relations with Hideyoshi and the Imperial Court come for early attention. Longer than Takeda Shingen's, which predates it by four decades³⁰, Motochika's code has sometimes been described as its only true parallel.

Like the land survey, the 100 Article Code survived into Tokugawa times. After Yamauchi replaced Chōsokabe in 1600, the new daimyo, without the intimate knowledge of the past that characterized his predecessor, and without the corps of administrators which Motochika had been developing, naturally relied fully upon the land survey. A copy was in the hands of each District Commissioner, who was expected to use it as the basis of his work, and it was praised highly as the one essential work by the early Yamauchi daimyo³¹. Gradually its distinctions between *honchi* and *kyūchi* became meaningless, and the *ichiryō gusoku* became a rural gentry of headmen and leading farmers. A few, not content to accept this fate, provided the only resistance that met the Yamauchi entry into Tosa in

²⁹ Which ideal also cost his son his realm. When Morichika's retainers, in 1600, killed an elder brother the father had ordered placed in seclusion to strengthen Morichika's hold on the succession, they provided the Tokugawa administrators with the occasion for removing Morichika from authority as a person devoid of proper familial attitudes.

³⁰ Translated and annotated by Wilhelm Röhl, "Das Gesetz Takeda Shingen's", *Oriens Extremus*, (Hamburg, 1959), Vol. 2, p. 210—235.

³¹ Hirao, in *Chōsokabe chikenchō*, Vol. I, p. 669, 672.

1600. Still other Chōsokabe retainers fled to Sakai to take up merchant careers, further illustrating the lack of hard class lines in early Tokugawa times³². As with the survey, so with the Code; it became the basis of early Yamauchi codes, and dissident and fearful Chōsokabe retainers and supporters were assured that "the laws (of Chōsokabe) are to remain in force"³³.

Despite these assurances, the Yamauchi entry inevitably speeded the changes which Motochika had contemplated. Motochika, who had grown with his realm and with his retainers, could not undo the past; he tended to be cautious and conservative in his measures. His successor, who inherited a situation in which many *ichiryō gusoku* had rebelled and others had fled, could deal with them as Motochika could never have done. His changes were, ultimately, sweeping, and although the Chōsokabe cause survived as symbol for anti-Tokugawa resistance in the 1860's by rustic samurai, now known as *gōshi*, it could never become a more than the romantic invocation of a primitive, virtuous past.

The Hundred Article Code³⁴

1: Services and festivals of (Shintō) shrines must be carried on in the manner that was prescribed in earlier years. Furthermore, wherever possible maintenance costs of shrines should be met from their own lands and endowments. In the event of great damage that makes this impossible, the Commissioner must be consulted. Failure to report in this manner will be construed as an offence on the part of the shrine priest authorities and families³⁵.

2: The functions of (Buddhist) temples must be continued in the way they have come down from the past and must not be allowed to deteriorate. Furthermore, temples should meet their maintenance expenses by relying on income from their own domain³⁶.

³² *Kōchi Shi shi*, p. 230, 246.

³³ *Kinsei sonraku jichi shiryōshū*, p. 18.

³⁴ In preparing this translation I have had the advice and assistance of my former colleagues at the University of Washington, particularly Noburu Hiraga, who assisted in the preparation of an earlier translation which was presented to the Japan Seminar at the University some years ago. Subsequently I have had the advantage of consultation with HIRAO MICHIO and INOUE KAZUO. The recent works by Yamamoto and Yokogawa have helped to clarify further the setting of Chōsokabe times. The standard source and authority is the magistral work of (Judge) INOUE KAZUO, *Chōsokabe okitegaki no kenkyū* (Kōchi, 1955, p. 648, to which the reader is referred for discussions of texts and variations, a synoptic text with punctuation, (p. 132—166) and an exhaustive commentary. The Code has also been reprinted in many books of sources, among them *Nihon keizai taiten*, Vol. 1, p. 659—672, and *Kinsei sonraku jichi shiryōshū* (Tōkyō, 1956), p. 303—308.

³⁵ Earlier instructions here declared still in force doubtless refer to ordinances issued by KIRA, ICHIJŌ, HOSOKAWA, and similar authorities, as well as earlier Shogunal conventions. They are mentioned in a total of six other articles (2, 14, 31, 45, 58, 75) covering a wide range of subject matter.

³⁶ Father and son the Chōsokabe, who had for a time held the office of Temple *bugyō*, exerted themselves to protect, restore, and regulate the Buddhist establishments under their control; they both entered orders toward the end of their lives.

3: As soon as an order affecting matters of state is issued it must be carried out conscientiously. Any sign of laxity will naturally be punished immediately³⁷.

4: It is of course absolutely forbidden for anyone, high or low, to make use of the chrysanthemum-paulonia crest (of the Imperial family).

5: In regard to the reception accorded an emissary or deputy (from Hideyoshi) who comes to our province: every effort must be made to receive him properly. Those who excel in the pains they take in regard to receptions or farewells shall be rewarded. Furthermore, at such a time care must be taken to report everything which the guides or attendants in the emissary's party may have said.

6: Lords and vassals, priests and laymen, noble and mean, high and low, must all keep from allowing the rules of humanliness, righteousness, and propriety to suffer disgrace, but should on the contrary keep them constantly in mind.

7: It should be the primary concern of everyone to train himself unceasingly in military accomplishment. Those who tend to excel their fellows in this should be given additional income. Particular attention should be paid to musketry, archery, and horsemanship. The military code is contained in a separate document³⁸.

8: Strive to develop accomplishments appropriate to your status. Furthermore, you must keep always in your mind the study of books and pursuit of arts insofar as these are consistent with your duties.

9: You should try to live up to the teachings of the various (Buddhist) sects. In things like literary studies, those who excel their fellows, according to their achievements, can nourish hopes in whatever their area, whether worldly prosperity or religious life.

10: With regard to (Buddhist) priests: (a) those to return to lay life without reporting this to the lord of the province will promptly be executed. (b) They will no longer go out at night unless there is a compelling reason, and (c) their misconduct, when reported, will bring special reward for the informer. Violations of these points will bring punishment of exile or death, depending on the gravity of the offence³⁹.

³⁷ Motochika took his duties to Hideyoshi very seriously, and in provision of wealth, lumber, or armies showed his respect for *kōgi*-matters of state.

³⁸ Of muskets, in which the Tosa armies were far behind their Honshū contemporaries, YAMAMOTO writes, "muskets were first ordered from other provinces, but from Keichō years (1596 on) there were workers known as musket blacksmiths. Manufacture was not restricted within the retainer corps, but it was absolutely forbidden to non-(Tosa) nationals; orders had to be reported, and secret manufacture was a crime punishable by death". *Chōsokabe Motochika*, p. 210. INoue notes that the above-mentioned military code has never been found. *Chōsokabe okitegaki no kenkyū* p. 438.

³⁹ In these three articles one finds much of the Tokugawa ethic incorporated; emphasis on status, itself as yet imperfectly worked out in Tosa, emphasis on the study of books and civilized and military arts, respect for Buddhist teachings, and encouragement in the struggle for distinction and achievement in walks secular and religious. And, as the last shows, respect for Buddhist teachings did not necessarily extend to Buddhist clerics; no doubt it also reflected experience as *tera bugyō*.

11: The Three Commissioners have been appointed to administer throughout the seven districts of this province, and no objections are to be raised against any decisions the Commissioners make. Furthermore, *shōya* have been appointed for each community, and the instructions they announce must not be neglected in any way⁴⁰.

12: The words of the *yorioya* and other unit commanders are to be respected at all times, and no one should ever raise the slightest objection to them.

13: As regards law suits throughout the realm, they should first be taken up with the unit commander (*yorioya*) and thereafter submitted to the lord. Those who have no unit commander should take it up with the magistrate. Suits can not be taken up during periods of military service, duty in Kyoto, or absence, although exceptions can be made in cases of emergency. Furthermore, cases will be heard three times a month, on the tenth, twentieth, and last day. Urgent matters requiring immediate attention may be submitted at any time.

14: The official responsible for forwarding cases to the lord should have both parties discuss the issue together and only then submit it to the lord. But, as in the past, he should not interfere with the *rōjū*⁴¹.

15: Any interference by wives in legal action is strictly forbidden.

16: Once a verdict has been reached the case cannot be submitted to the lord a second time, even if additional arguments exist.

17: It is only natural that services are demanded of those who hold fiefs, and they must be carried out to the letter regardless of whether they are large or small. Anyone late for logging or construction work will be required to repeat the duty period as punishment. And anyone who comes short of the food and provisions requested of him for work details without excuse will be required to supply as much again.

18: In regard to those who abscond: offenders must be punished whatever their excuse and so also their relatives. Proper reward should be given neighbors or friends who report anyone whose behavior causes suspicion that he is planning to desert. Those who have knowledge of such

⁴⁰ Throughout these pages the distinction between the *san bugyō*, a group with overall responsibility chosen from the top *karō* families, and the *sho bugyō*, officials with specific responsibilities who numbered, according to one source, 138, is suggested by rendering the former as commissioners and the latter as magistrates. It is possible, however, that the code may in places mean one of the 3 instead of one of the 138 when it says only *bugyō*. For make-up, remuneration, and duties of *bugyō*, see INOUE, 380—394. *Shōya* normally supervised a single village, but where feasible and appropriate they might administer several, while a large population might justify appointment of two or three *shōya*. A late sixteenth century account credits Chōsokabe Tosa with 174 *shōya* and 63 *tone*, the comparable office for coastal (fishing) villages. INOUE, p. 398—403.

⁴¹ Here, as in civil suits for commoners, the administrators made every attempt to have cases settled out of court, since they had no particular interest in the outcome and much preferred the compromise settlement consonant with Confucian harmony. For persistence of this, Dan F. HENDERSON, *Patterns and Persistence of Traditional Procedure in Japanese Law*, unpublished dissertation, University of California Berkeley, 1955.

intent and fail to report it will receive the same punishment as the offender. Furthermore, a man who reports late for lumbering or construction and leaves without getting permission from the magistrate will have his land declared forfeit. If a man deserts directly to another province, punishment will also be imposed on his relatives. Similarly, if a man's servant (*hikan*) deserts (from labor duty), the master will be penalized threefold⁴².

19: Anyone who performs more service (*kyūyaku*) than required should take it up with the magistrate to obtain the proper reduction. In case of emergency, not only in event of military service, one should increase the number of laborers and exert himself to the utmost. Thereafter it can be taken up with the magistrate for appropriate reductions in services. But in no case can such reductions be divided or shared.

20: Unless there is an explicit statement of release from the authorities, no one can be excused from services, whatever the reasons that are advanced.

21: When a man is sent somewhere on a mission or named as a magistrate, he will be excused from providing personnel for service duty as follows: If he goes to another province, 5 men less; to Hata or Aki, 3 men less; to the 5 central districts, 2 men less. This has no bearing on men of low status.

22: A man who desires to surrender his fief may be permitted to do so if it is clearly beyond his capacity. But to do so from choice and not from necessity is punishable. When cases are under consideration the applicant will in any case be required to perform his obligations until the twelfth month of the year, after which he may be permitted to give up his fief⁴³.

23: As regards crossing the borders of the province by people of any rank, in either direction: Under no conditions will any one who does not have a signed permit from a magistrate or village elder (*toshiyori*) be permitted to pass a mountain or coastal check point. *Shōya* have been appointed in the mountain areas and *tone* have been appointed in coastal areas, and anyone who disregards their instructions and tries to leave or enter without authority shall be punished. If someone without the proper

⁴² *Hikan* was originally a designation of subordination, with *jitō* acting as *hikan* of the *shugo*. The term gradually came to have a more specific connotation of semi-free, indentured service, and signified the hands whereby the extended family carried out agriculture on the *tezukuri* system. In the above instance, *hikan* are sent off to perform the labor which is required of the fief holder, who stands responsible for their performance.

⁴³ Of this YAMAMOTO writes, "in the 1590's evidence of *ichiryō gusoku* who seek to renounce their award fiefs (*chigyō chi taru kyūchi*) becomes plentiful . . . such release of land and surrender of fiefs had its origin in economic reasons expressed as "incapable" and "faltering", but at the same time this must frequently have contained the idea of escaping the burdens of fief-incurred service (*kyūyaku*)". "Chōsokabe seiken no henshitsu to *ichiryō gusoku*", *Nihon Rekishi*, loc. cit., p. 71—72.

permits boards a ship, the person in charge of the ship will also be punished⁴⁴.

24: As to horses: Anyone with three *chō* should keep (his mount,) saddle and other equipment in a state of readiness. Naturally those with more land should perfect themselves in military arts, and those with less than three *chō* also will, if they keep up their military training, receive reward.

25: Quarreling and bickering are strictly forbidden. Whether in the right or wrong, begin with restraint and forbearance. If instead of this men resort to violence, then both parties should be punished, regardless of the right or wrong of the matter. If one party only raises his hand against the other, regardless of his reasons for having done so he will be punished.

26: With regard to thieves: They should be captured immediately and the magistrate informed. If there is no question about guilt, they will of course be beheaded. If the thief resists arrest, he will be slain. If these rules are not carried out, the *shōya* responsible will be held punishable.

27: As to cutting and wounds: Whatever the circumstances, whoever strikes or hits a fellow retainer must be punished. However, this does not apply to those serving as magistrate.

28: With regard to someone who injures another without reason: The nature of the death penalty which is to be imposed will be determined after careful examination. Further, if punishment is extended to the offender's relatives, the details of the investigation should be made clear.

29: As to cutting a man and then running away: Anyone doing this will be crucified. The *jitō*, *shōya*, and people of the vicinity should immediately pursue and capture the criminal and then report. If they cannot capture him, they should (try to) strike him down. If he escapes the whole community will be punished. If the murderer's relatives had any knowledge at all of the matter they will receive the same punishment as the criminal. If it is clear that they knew nothing, an appropriate verdict will be found. Anyone who was at the scene and failed to intervene will also be punished. Furthermore: with respect to (punishment for) relatives, the exact degree of relationship will be taken into account⁴⁵.

30: With regard to hitting (with shot or arrows) men in hunting areas, at construction sites, and elsewhere, without provocation: Anyone guilty of this will be punished immediately. If he had a prior grudge against his victim he will be sentenced to death, and punishment will extend to his relatives.

31: With regard to bandits and pirates: As has been the rule in the past, it is the responsibility of the area nearest to their hideout to search for and produce these people. If this is not done, the area in question will be penalized.

⁴⁴ Punishment, *seibai*, could include death, INOUE, op. cit., p. 132.

⁴⁵ *Jitō*, which is used six times in the Code (29, 47, 52, 60, 72, 79), meant little more than enfeoffed proprietor in this period, and seems to have been interchangeable with *chigyō* samurai, *kyūnin*. INOUE discusses variant interpretations, p. 396.

32: Heavy drinking is prohibited for all people, high and low, to say nothing of all magistrates. Furthermore: With regard to drunkards, the fine for minor offenses will be three *kan* of coins, and appropriate punishment (*seibai*) will be imposed for severe offenses. A man who cuts or strikes others (while drunk) will have his head cut off.

33: As to illicit relations with another's wife: Although it is obvious, unless the guilty pair kill themselves, both of them should be executed. If approval of relatives is obtained, revenge may be undertaken, but unnatural cruelty will constitute a crime. If the husband fails to kill the man, or if he is away the time the offense becomes known, the people of the village should kill the offender. In addition: If a woman has a reputation, the (marriage) contract is to be broken.

34: When there is not a man in the house, no males — masseurs, peddlers, travelling *sarugaku* performers and musicians, solicitors for religious contributions (*banjin*) or even relatives — shall set foot in the house. If someone is ill and if the relatives approve, a visit may be made, but then only in daytime. Even the magistrate must carry on his business outside the gate. However, this does not apply to parents, sons, and brothers (of the household head)⁴⁶.

35: Also, when a man is not present, a woman is not to go visiting Buddhist temples or Shintō shrines or sightseeing. Furthermore: The annual and monthly rites (for deceased relatives) should be held at the temple.

36: Also, in the absence of a man: It is absolutely forbidden for a priest to go in and out of the house. Furthermore: This does not apply to devotional services.

37: With regard to regulating *fudai* (hereditary servant) status: Men and women who have served their masters for ten years without having been discharged will be considered *fudai*. Similarly their children will naturally be considered *fudai* also. A male child will go with his father, and a girl goes with the mother. Even though a servant may have been told by his master that he is dismissed, unless there is written evidence of this no other master is to take him as his servant. If a master violates this rule the servant's former master should report this and claim his servant again according to law. It will then be his responsibility to decide whether to put the man in service again or to put him to death. If a servant ran away and his whereabouts were unknown, no matter how many years ago it was he should (if discovered) be reported and returned to his master. Furthermore: But if such a servant's whereabouts in a neighboring area were known to the master for more than ten years without his having taken any action, this will not apply. Similarly, as to *fudai* attached to

⁴⁶ YAMAMOTO, noting the instructions to retainers in the *Tenshō shikimoku* of 1574 to "develop arts such as dancing (*rambu*), flute and drum, football, and tea; you should be ashamed to feel inferior on visits to other provinces", suggests that such efforts to popularize the culture of the Kyōto nobility among the ruling class were accompanied by the modest numbers of itinerant performers who toured the countryside. "The attainments of the commoners did not reach a very high level, but this (article 34) illustrates the general trend of the period". *Chōsokabe Motochika*, p. 226.

fiefs: If the proprietor (*jitō*) has gone to another province, even though he return, if he does not receive reinstatement of his original fief, he will not regain his powers over the *iudai*⁴⁷.

38: Debts of rice must be returned in the exact amount that was borrowed. It is a crime to return an insufficient measure of rice as though it were the full measure.

39: With regard to loans to petty retainers throughout the realm: Where the retainer, without his master's knowledge, has already been paying out his whole income and has had to give up his house and become a burden on his master, he should not be pressed for payment any longer⁴⁸.

40: In cases in which borrowed goods or things held in trust, or the lord's (tax) rice, are lost by fire or theft while in someone's possession, if that person's own possessions are also lost, he will not be required to make restitution. But if only the goods in his custody are lost, then he will have to make restitution. Also: It is forbidden to lend to others things which have first been borrowed.

41: With regard to pawned articles: Once it is established that an article has been lost because of theft or fire, claims for the borrowed money for which it served as security will be considered forfeit.

42: With regard to delinquent loans: If the borrower makes difficulties after having been pressed to pay, the matter should be reported to the magistrate, and the loan reclaimed without fail. But if the lender has for years failed to press for payment only the principal need be repaid.

43: Law suits over *kōryō* (daimyo domain) and *myōden* (private, name fields) must stop. Furthermore: land purchases will be validated by special decree, while the quality of service performed will be the criterion for (transfer) of land for which no validation papers previously exist⁴⁹.

44: It is a punishable offense to convert rice paddy field into dry field or house sites. Where this has been done the taxes will be kept at the same rate as those for paddy.

45: With regard to purchasing land: Even if someone has a contract providing for transfer in perpetuity, if the rice produced (by the plot) is less than ten *hyō* (about one acre of normal paddy) the land remains

⁴⁷ INOUE, p. 256 foll., discusses the significance and setting of this in the status arrangements of the period, and YOKOGAWA (*Ōsato shō no kenkyū*, p. 202—3), says of this article, "According to this, in the original fiefs (*honchi*) the medieval type of personal servitude of the *hikan* relation went almost unchanged under Chōsokabe rule, while on the new or award fiefs one sees the development of farmers' relations growing from a more modern type of land system. On the new fiefs one can see the first instances of a direct tax system expressed in the rule, "two thirds of the yield for the *jitō*, one third for the farmer" beginning to change the tax-tribute relationship centering on corvée labor which characterized the previous period".

⁴⁸ The word here is *matahikan*. *Mata* ("again, next") was a prefix added to terms for petty retainers to indicate they were attached to rear vassals, *baishin*, e. g. *matahikan*, *matakomono*, *matawakato*. INOUE, p. 186 foll.

⁴⁹ *Tokusei*, here rendered as "special decree", was normally an edict cancelling retainer debts; in this instance it permits alienation of land already registered in another's name, and hence also constitutes special intervention in the retainer's interest. INOUE, p. 281; for discussion of the fact that both retainers and the daimyo himself purchased land, YOKOGAWA, "Hisatake Kuranosuke", loc. cit.

redeemable (by the seller). Even if it is claimed that a plot was clearly sold permanently, if there is no documentary evidence to support this the plot can be reclaimed by its seller (with restitution of price). And if despite claims there is no documentary evidence to establish even such redeemable status for land, the land will be considered as *toshige* (redeemable from crop yield). The above rules are established in accordance with previous regulations. When a contract provides that land will be held in pledge at the rate of 1 *tan* per borrowed *hyō* of rice (about one fifth the yield of average paddy), if the lender has enjoyed crop rights for three years the original owner will no longer be required to repay the loan; he is also entitled to the return of his land. Furthermore: Land alienated under provisions of perpetual or of conditional sale will revert to the original owner if the purchaser's family dies out. But if someone succeeds to this family within ten years the land must again be returned to the purchaser. If, however, it is more than ten years before a successor takes over, their claims lose effect and the land will be considered part of the original owner's fief. The same rule holds for lenders and loans. Furthermore, if the seller's family dies out, except for lands specially registered earlier, all three classifications — perpetual sale, conditional transfer, and terminal option — are to be declared forfeit and confiscated⁵⁰.

46: With regard to abandoned and waste land throughout the realm: *Shōya* in the area must warn their people against letting it grow rank. If the *shōya* is unable to deal with it alone he should consult the magistrate about initiating reclamation measures. If the abandonment has been caused by negligence, the *shōya* of that place must assume responsibility for paying the tax in place of the tillers.

47: As to fiefs throughout the realm: The crop yield, as ascertained by the fall survey of fields ready for harvest (*kemi*) should be apportioned, two-thirds to the vassal samurai (*jitō*) and one-third to the farmer. If farmers object to this, the samurai will have to use his own judgment. He must, at any rate, take care lest the land be abandoned and ruined.

⁵⁰ It is not surprising that sixteenth century Japan, in which land was the chief form of wealth, had a vocabulary rich in terms to indicate degrees of ownership and tenure. The terminology adopted above is for the terms *kyūchi* [7] (permanently alienated land), *honmono* [8] conditional transfer, which can return to the principal (*hon*) owner, and *toshige* [9], at present "yield", but then used in the sense of land "purchased" under an arrangement whereby the seller-borrower paid interest and principal in kind from the fields, so that after a given period of time — usually ten years — it returned into his possession. Violation of this "option" would presumably result in loss of land. Furthermore, the sudden use of the word "fief" (*chigyō*) half way through the article makes it clear that Motochika's concern here lies with his samurai, probably with the *ichūryō gusoku*. It may be noted that this article is included in a volume of excerpts from feudal land law by the Ministry of Agriculture (*Dai Nihon Nōshi*, Tōkyō, 1891, II, p. 156, 7.) The net effect of these regulations would be to discourage and slow alienation of land, so that the article is as Inoue (p. 287) points out, a step in the progress toward the Tokugawa prohibitions on alienation of any kind.

Furthermore: Cultivation rights applying to lands which have changed hands in recent years will be determined at the discretion of the vassals holding the fiefs⁵¹.

48: With regard to forestation, reclamation of abandoned land, development of waste land, and salt fields: Such reclamation must be reported to the lord, and work may be started after receiving his approval. The practice of keeping the existence of reclaimed land secret must absolutely be stopped. Supplement: The first year after reclamation the *tanmai* tax will be paid, and from the following year on regular taxes will be levied. Such fields are, after all, the lord's lands⁵².

49: With regard to the waste land of fief holders (*kyūnin*): There can be no excuse for having allowed land to go to waste since the land survey.

50: As for the paddy, dry, and dwelling fields which came in dispute at the time of the land survey: As long as these are unresolved, the *shōya* of those areas will have to deliver the exact amount of tax due.

51: With regard to irrigation duty: The irrigation magistrate and *shōya* of the areas concerned must place particular emphasis on allowing nothing to obstruct the irrigation channels. If large-scale damage beyond the capacity of the people dependent on the water takes place, it should be reported to the magistrate, who, after consultation, should call out all the people to repair the damage.

52: Whoever discovers that anyone, whether vassal or farmer, is concealing the existence of (untaxed) fields and reports it to the lord, will be rewarded strikingly. Acting on such information, the magistrate will base his ruling on the land survey register. If it becomes clear that a vassal concealed the field, he will be severely punished. And if it was a farmer who concealed it, he will be made to pay double the tax due since the land survey, after which he will be banished. If he pleads hardship at this, he will have his head cut off.

53: With regard to disputes over property lines: In all cases such disputes will be decided in accordance with the register of the land survey. After a case has been heard with the arguments of both parties stated, the person found to be at fault will be fined five *kan* (i.e. 5000 copper coins) to punish him for his carelessness. If both parties refuse to listen to reason, the disputed area will be confiscated.

54: Within the lord's own domain, not even one grain of rice may be taken away in payment for loans or purchases before the date set for the

⁵¹ "Although the Chōsokabe were unable to make a really thorough change", YAMAMOTO writes, "their aim, as seen in Motochika's Article 47, must surely have been to change the nature of the *ichiryō gusoku*, protect their fief holders, and build a new retainer corps on the basis of the separation of soldiers and farmers", *Chōsokabe seiken no henshitsu to ichiryō gusoku*, loc. cit., p. 74.

⁵² Salt fields, *shiota*, can refer either to salt flats or reclamation of marsh land. Around Urado much reclamation took place, and as can be seen its profits ended in the daimyo's coffers. *Tanmai* [10] was a tax levied on rice paddies in addition to the regular tax.

payment in full of the fall harvest tax. If this ruling is not observed, both the *shōya* and the farmers involved will be severely punished.

55: In regard to the annual tax (*nengu*): It must all be paid in hulled rice. The decision to plant *tamai* or *kichimai* rice will depend upon the soil. Planting *tamai* on soil more suitable to *kichimai* is strictly prohibited. If this order is violated the tax will be collected at the *kichimai* rate⁵³.

56: With regard to units of measure: Throughout the realm measures will be standardized to *kyōmasu*. However, long measure will be used for the annual tax and loan repayments, and short measure for private transactions⁵⁴.

57: Throughout the realm, *tanmai* must be paid each year as assessed.

58: In certain areas the tithe must be paid exactly as it was done in the past⁵⁵.

59: Whether it is hulled or unhulled rice, one *hyō* must contain five *to*.

60: With regard to farmers throughout the realm: The *jitō*, *shōya*, and magistrates must foster them solicitously in their official capacity. Do not require extra taxes and work in addition to the regular exactions from them. But of course, the regular annual tax must be paid strictly. If it comes even a little short, *shōya* and land owners of the lord's own domain will receive prompt and severe punishment.

61: It is strictly prohibited for a magistrate to develop private or abandoned fields.

62: If anyone discovers that a magistrate who has been sent to some part of the realm speaks irresponsibly or shows favoritism he should report the facts of the case, and, no matter how low his position, he will be rewarded handsomely as a result. After receipt of this report and in the light of an examination of the matter, that magistrate will be punished severely.

63: With regard to a magistrate or *shōya* anywhere in the realm who shows favoritism or partiality or indulges in any other unjust practices whatever, it makes no difference whether complaints come from someone in the offender's area (of jurisdiction) or not. Details should be forwarded to the authorities, and they will be rewarded. After an investigation, punishment will be meted out.

⁵³ *Kichimai*, standard paddy rice, was superior to *tamai*, a southern, soft rice with higher yield. *Kichi* was considered synonymous with rice, and paddy land was often referred to as *kichi chi*. See the articles by YAMAMOTO TAKESHI, in *Nihon rekishi daijiten* (Tōkyō, 1956), Vol. 5, p. 316, and Vol. 12, p. 69.

⁵⁴ In this article one sees Motochika following Hideyoshi's orders for standardization of weights and measures. The *kyōmasu koku* was more than 10% smaller than that earlier in use, and the unit measure also smaller, so that the traditional generalization that Hideyoshi's smaller unit measure meant higher taxes requires further examination in the case of Tosa.

⁵⁵ Both the *tanmai* and the tithe (*jūbunichi*) were traditional taxes continued by Chōsokabe; the former had its origins in a tax on paddies inaugurated by Kamakura *shugo* and was designed as additional income for enfeoffed retainers, while the tithe survived into Tokugawa times as an impost on goods and especially shipping. YOKOGAWA discusses the *tanmai* and related problems in *Osato shō no kenkyū*, p. 187—191.

64: A magistrate is forbidden to post or issue regulations for even a single area without reporting it.

65: Throughout the realm, if messengers for officials such as magistrates request horses or labor services on their way, they should be accommodated, provided they have official authorization with them. If they do not, they do not have to be obeyed.

66: It is absolutely forbidden to sell horses of this province to other provinces. If anyone attempts to send out horses illegally, the horses will be confiscated. The barrier keepers (at border crossings) must keep particularly close watch in view of this.

67: Artisans should have confidence in the things that magistrates and group leaders say and should not raise any objections to their instructions.

68: Wages for artisans including carpenters, sawyers, cyprus bowl makers, blacksmiths, silversmiths, sharpeners, lacquerers or painters, dyers, leatherworkers, tilers, cyprus dyers, wall plasterers, mat (*tatami*) makers, armorers and the like should be, per day, 7 *shō* of unhulled rice, *kyōmasu* measure, for skilled workers, 5 *shō*, *kyōmasu* measure, of unhulled rice for average workers, and 3 *shō* of unhulled rice, *kyōmasu* scale, for unskilled workers. The classification into skilled, average, and unskilled categories must be approved by the magistrate. Supplement: The wages for a boat-builder will be one *to* of unhulled rice, *kyōmasu* scale, per day⁵⁶.

69: The standard length of cotton cloth, irrespective of quality must be 7 *hiro*, taking one *hiro* as 4 feet 5 inches (*shaku, sun*) on the carpenter's measure. Coarse sacking will be standardized at 6 *hiro*.

70: With regard to trading boats: They should operate as much as possible, but the traders should realize how important it is that they stay within the borders of the province.

71: With regard to runners: The local *shōya* should dispatch or reserve them with due regard to the distances involved. If, when there is urgency, the runner is late, he should be decapitated.

72: The width of the main roads is to be 2 *ken*, each *ken* being 6 feet, 5 inches (*shaku, sun*). In regard to roads, *shōya* must see to it that they are maintained, whether in mountain, countryside, or coastal areas. If a road is bad, it is the *shōya*'s responsibility to collect one *kan* of coins from the landed samurai and farmers as a fine and turn it over to the magistrate's office.

73: With regard to linear measurements: In castle construction and all other work, use the standard *ken* of 6 *shaku* 5 *sun*. However, rice paddies are an exception.

74: It is strictly forbidden to travel along side roads. Anyone who breaks this regulation will be fined 1 *kan* of coins.

75: As for the fishing tax (*katsura zenī*): It will be maintained as in the past.

⁵⁶ As was noted above Motochika's efforts to attract merchants and artisans to his castle town were not very successful, and it is apparent in this article that the Code is directed largely to *goyō shōnin*, merchants favored by the regime, as it is the magistrates who make the key decisions about quality and pay.

76: It goes without saying that it is strictly prohibited to cut bamboo, cedar, cypress, camphor, pine and all other trees which have been registered for official use. It is also forbidden to cut down a bamboo of which one has need, even though it is within the confines of his own fief, without first reporting it to the magistrate's office. It is an important resource for all areas, country, mountain and coastal, to have bamboo trees growing.

77: It is strictly prohibited to break off bamboo shoots. Anyone who violates this rule will be fined 1 *kan* of coins, which will be given as reward to the informer who reports the offense.

78: It is forbidden to let cattle and horses wander freely at any season. Anyone who violates this rule will be fined 100 *mon* of coins. If there has been damage caused to harvest in the fields, an additional 100 *mon* will have to be paid to the owner.

79: If a man builds a house on leased land and moves away, if he has paid the annual tax, the house, whether board or thatched roof, belongs to him. But if he has been sentenced for a crime then the master (land owner) will take over his property as well as the house. If there is some question about his having paid his tax, the landowner will have to pay it to the enfeoffed proprietor in his stead. If, however, a landless laborer is convicted of a crime his house and property will be confiscated. In such a case the annual tax, if still outstanding, will be remitted to the (enfeoffed) land owner⁵⁷.

80: Between father and son, if either acts against the will of the lord, he will receive separate punishment according to his offence and what it deserves. But each case should be considered on its own merits.

81: With regard to transferring the headship of a temple throughout the realm: Suitable persons should be recommended to the lord and the transfer arranged in accordance with his instructions. Even though the candidate is a disciple (of the head), selection must necessarily be based on capability.

82: With regard to family succession: It is necessary to notify the lord and receive his permission, even if the heir is the head's real child. It is strictly forbidden to decide succession matters privately. Furthermore: One must also request and receive permission to become a guardian for a minor⁵⁸.

⁵⁷ This important article shows gradations of tenure and dependence among non-samurai. The first case, of the man who leases land from another, finds the Code giving the tenant substantial rights provided he has had no record of punishment; it represents, in other words, a step toward an undifferentiated body of agriculturists. Yet the tenant is still subordinate (*hikan*), as seen from the compulsion on his landlord the tenant is still subordinate (*hikan*), as seen from the compulsion on his landlord (*shunin*) to pay his tax to the enfeoffed proprietor (*jitō*). On the bottom rung, the landless laborer (*mōto*) gets less consideration, and the concluding phrase (for the interpretation of which this follows INOUE, p. 309) seems to protect the fief holder against loss. YAMAMOTO discusses this article at some length in "Chōsokabe seiken —", *Nihon Rekishi*, loc. cit., p. 73—74. A general view of stratification in village life of the period can be found in T. C. SMITH, "The Japanese Village in the 17th Century", *Journal of Economic History*, XII, 1, (1952).

⁵⁸ Alternatively, the last phrase could refer to selection of a child as heir or of a temporary family head. INOUE, p. 161 and 270, prefers "name a child as heir". The code, which reads *yōshō myōdai* [11], permits either construction.

83: Anyone who succeeds to two houses without getting the approval of higher authority will be punished as soon as it becomes known.

84: As regards family name and succession designation for loyal retainers: If a vassal commits a crime and has to be punished, his family name will not be affected if the offence was a minor one. But if he commits a major crime, his punishment should include the loss of his family name.

85: With regard to the marriage of samurai: It is strictly prohibited for samurai who receive over 100 *koku* to arrange a marriage without the lord's approval. Supplement: Whether one's status be high or low, matters of marriage must not be broached at any time if the understanding of both families has not been arranged.

86: Private contract is prohibited in all matters⁵⁹.

87: It goes without saying that anyone who speaks or proposes evil things without regard for what is in the interest of the realm will be punished; in addition anyone in his company will receive the same punishment.

88: Those who start groundless rumors shall immediately be punished by death by crucifixion. It is also wrong to write irresponsible things on walls or gates. Anyone discovered to be doing this will be put to death.

89: It is absolutely forbidden to employ *rōnin* without notifying the lord and obtaining permission.

90: As regards *matawakato* and *matakomono*: they are strictly forbidden to associate in public or in private with the lord's own retainers⁶⁰.

91: With regard to documents concerning paddy and dry fields: precedence (between conflicting documents) will be established by the date indicated.

92: As to false accusations: Punishment will depend on whether the offence is minor or serious. If it is a minor matter, the fine will be 3 *kan* of coins.

93: Regardless of rank, the practice of dismounting (in deference to a superior) should be stopped. However, when an envoy or deputy from above (i.e., Hideyoshi) passes, he should receive this courtesy.

94: In matters large or small and good or bad, the lord's chamberlain must at all times transmit the sentiments of all the people, whatever their status to the lord. When there is an urgent matter and there is no one to transmit it, it should be submitted at once on paper. If an official fails to transmit anything, regardless of what it is, he will be punished immediately.

⁵⁹ This provision would operate both to reinforce the previous article and, more particularly, to guard against the organization and consolidation of new power groups in the countryside. In the fifteenth century contractual agreements among groups of *myōshu* led to the formation of semi-military bands out of which the *ichiryō gusoku* developed. For examples drawn from the Ōsato Shō, YOKOGAWA, *Ōsato shō no kenkyū*, p. 58—62, discussed also by IRIMARU, op. cit., 212—213. By the 1590's, YAMAMOTO concludes, "it is probable that remnants of the old *myōshu* alliances had ceased to exist". "Chōsokabe seiken no henshitsu", op. cit., p. 75.

⁶⁰ This separation of rear vassals from direct vassals would contribute both to peace and order and to consciousness of class and status distinctions.

95: Anyone who has something on his heart should report it freely, whether his status is high or low. If he keeps it within himself until he develops evil ideas, he will be punished severely.

96: No one, high or low, is permitted to change his seal⁶¹.

97: No one may change his family name, his official title or office, or his given name. However, an official title may be changed once in accordance with provisions with the lord's permission⁶².

98: With regard to fire, it is essential to be vigilant at all times. If fire breaks out in a neighborhood, the owner of the house in which the fire first started will be fined according to his status. If the fire is confined to one house, the owner will be banished. Furthermore if responsibility for arson becomes clearly established, severe punishment will extend even to the relatives of the incendiary.

99: When someone in this realm, whatever his social standing, takes a long trip, there should be no objection raised against providing him a night's lodging. If a man of low rank steals or damages some of the things in his lodgings, he must make restitution. Supplement: The fee for the accommodations shall be determined by both parties.

100: With regard to the division of family property among relatives: Allocate one-tenth of the property to the father, and one-twentieth to the mother. But if both father and mother live together they should be satisfied with the father's share. The service (*kyūyaku*) required of a man who retires must be performed carefully by his successor. However, an exception can be made if different arrangements have been made by agreement between parent and son. Settlement of rights of brothers, uncles, nephews and other family members will be decided on the basis of their degree of relationship. But in all cases, whether between elder and younger brothers, or uncles and nephews, or others with the same surname, judgments will be handed down on the basis of propinquity of relationship.

These articles will provide the rule throughout this realm from this time on. All people, whether noble or base, must observe them strictly and in good faith. Any violation, even one word, is subject to immediate and severe punishment. Accordingly, it is promulgated as here set forth.

Twenty-fourth day of the Third Month,
Second Year of Keichō (1597)

Morichika
Motochika

⁶¹ MIURA HIROYUKI, *Hōseishi kenkyū*, (Tōkyō, 1924) p. 1089, explains that seals were substituted for hand-written signatures at about this time.

⁶² These references to official title and office are to the honorific designations awarded by the imperial court, in return for service or payment. For a brief review of the way in which territorial titles like "lord of . . ." became separated from place and function, see INOUE, op. cit., p. 164—5. Similarly family names, which had their origin in place, were by this time disassociated and therefore changeable.