

CHAPTER VI

The Development of Feudal Institutions through the Muromachi Period

Emperor Godaigo's Kemmu Restoration in 1333 was an anachronistic venture. He was able to destroy the power of the already weakened Hōjō family in Kamakura only because a significant number of the warrior class supported him for reasons of their own. To the warriors, the Restoration provided opportunities for redistribution of feudal privileges and for aggrandizement of their domanial holdings. Thus when the issue of rewards was ineptly handled, there was a sizable defection.

In 1336 Ashikaga Takauji enthroned Emperor Kōmyō from the rival northern branch, and had himself named the new *shōgun*. Thus was begun another period of rule by the warriors. However, unlike Minamoto no Yoritomo before him, Ashikaga Takauji did not enjoy near-monopoly of power. Emperor Godaigo and his heirs tenaciously held onto their right to occupy the throne, and the country was divided into the Northern Court and the Southern Court for the next 57 years. Most of the warriors sided with one of the courts. The question of legitimacy was not a significant issue for them except when it served their purpose. The rivalries of the two courts again gave the warriors opportunities to aggrandize and secure their domanial holdings. During this period several trends began to surface.

Among the warriors, the kinship and blood-ties which bound them so closely during the Kamakura period became a thing of the past. Members of the same family could be found on both sides of the struggle between the Northern and Southern Courts. Gradually warriors would be bound by common interests and

geographical factors. However, the emergence of domanial lords with well-defined geographical boundaries and control over the territory and populace would have to wait for several more centuries (see Chapter VII).

Several factors were at work since the latter part of the Kamakura period to make this gradual transition. The decline in the power and prestige of the court nobles and of the great temples and shrines was reflected in their diminished ability to lay claim to or to have control over the *shōen*. This in turn facilitated the encroachment upon the *shōen*, first by the *jitō* and then by the *shugo*. Using their military power effectively, the *jitō* and *shugo* were able to enter into agreement with the *ryōshu* (lords of *shōen*) which permitted the former to share in the rights of proprietorship over the *shōen*, and enjoy economic advantages derived from them. Such agreements often called for remitting of a specific sum or a portion of the produce as annual rent to the *ryōshu* while allowing the remainder to be kept by the *jitō* or *shugo*.

Initially the *shugo* were appointed by the Ashikaga *bakufu* to serve as military governors, as subordinates of the *shōgun*. With the decline in the imperial bureaucratic system, they exercised concurrently the powers of civil governors (*kokushi* or *kuni no tsukasa*), who after the Kemmu Restoration were often not appointed.

Increasingly, along with the economic strength they maintained through their rights to proprietorship in the *shōen*, the *shugo* became the final authority on local affairs, preparing the way for the emergence of the *shugo daimyō*. The Ashikaga depended on the *shūgo* to enforce their decrees and policies, but were in no position to curtail the *shugo*'s self-aggrandizing schemes.

The Muromachi period also saw a very substantial improvement in agricultural technology which caused the emergence of new classes of lower and middle farmers. Quest for adequate irrigation facilities often resulted in the creation of new village communities without regard to the traditional *shōen* boundaries. The cohesiveness of village communities made it possible for the villages to engage in certain forms of "political" activities, such as submission of petitions to lighten their burdens or even to band together in peasant uprisings. The spread of a money economy, the establishment of semipermanent market places (*ichi*), and the growth of *za* or merchant guilds brought forth surprisingly vigorous economic activities. The *ichi* and *za* sought special privileges and monopolistic rights, and depended on court nobles, regional rulers and temples and shrines for protection. They enjoyed the privileges of exemption from corvée-type duties, and of free passage through barriers. In return they performed certain duties and paid their dues to their lords who protected them. In the Muromachi period, the established *za* were often challenged by the new *za* formed by those who previously traded in subordinate positions with the established *za*. At times the *daimyō* found it convenient to allow the merchants in his castle towns to form new *za*, and make them his tax-collection agencies. To cope with these challenges, the established *za* often became

more traditional, insisting on the hereditary principles in the allocation of seats available in a given *za*. This, in turn, created a counter move from the *daimyō* to abolish *za* as an economic institution altogether. Examples of such a move are found in the free-market (*raku-ichi*) and abolition-of-*za* (*raku-za*) policies of Oda Nobunaga (see Chapter 7).

The economic conditions of this period were also responsible for the gradual adoption of the practice of primogeniture. It started slowly as a means of protecting the meager inheritance which when further subdivided would have caused hardship to everyone concerned.

The legacy of the Muromachi period is not confined to its institutions. In the cultural fields, the Nō theater prospered under the benign protection of the Ashikaga, and so did the Chinese studies pursued by the Zen monks of the five major temples (*gozan bungaku*). The tea ceremony, the art of *ikebana* (flower arrangement), and the monochrome paintings of Sesshū and others which we consider as genuinely Japanese have their origins in the Muromachi period. These, however, are not the subjects of this chapter. The spirit of the Muromachi culture is often described by the term *yūgen* which can be roughly translated as mystic or subtle elegance. Cultural forms of the period were not overt but subdued. Their simple exteriors hid some of the more profound meanings. In the study of the social institutions of the age, we must also look beneath the surface. In appearance they were feudalistic, but in reality they contained some elements of modernity. Thus they paved the way for the emergence of Tokugawa society which in many respects can be considered the first modern society in East Asia.

JITŌ'S ENCROACHMENT UPON SHŌEN

During the Kamakura period, jitō often utilized their military power to encroach upon the rights held by ryōshu or lords of shōen, regardless of whether they were of nobility or temples and shrines. Their encroachment took the form of withholding of annual rent due the ryōshu, or an outright illegal occupation of the land. Disputes over land titles, annual rent, and jurisdiction were frequent. And to avoid such disputes, several compromises were effected. One such method was jitō uke or jitō ukedokoro, as seen in Documents 1 and 2. (1) It bound the jitō to pay a certain set amount of annual rent each year to the ryōshu irrespective of rich or poor harvest, and (2) in return, it granted the jitō the powers of management and maintenance of the shōen. His powers were almost exclusive because entry by the officials of the ryōshu was no longer permitted.

The second method was one called shitaji chūbun, as described in Document 3. The word shitaji is a composite term for the lands which could provide any form of income including annual rent and miscellaneous services (nengu and shōeki). Such lands included not only fields and gardens, but also hills and forests and

salt farms. These lands were then divided into one half, or one third and two thirds between the *ryōshu* and *jitō*, with each having jurisdiction over its part and pledging not to invade the other's territory.

Both of these methods greatly enhanced the power of the *jitō*. The Kamakura bakufu encouraged these types of compromise for the purposes of enhancing the power of the *jitō*, and of speedy settlement of disputes.

1 **Jitō Ukedokoro, 1308¹** Settlement (*wayo*):

Dispute between *zasshō* (*shō* official, more specifically, officer in charge of miscellaneous affairs) Michisuke and *jitō* Yamanouchi Sudō Saburo Michisuke, District of Yasumoto, Province of Bingo.

The above suit was brought by *zasshō* Michisuke. Even though the briefs by the plaintiff and the defendant were already discussed, the parties now wish to settle the matter by compromise. The questions at issue include inspection (*kenchū*), annual rent (*nengu*), and division of land into respective areas of responsibility (*chūbun*). Now there shall be no further litigation by the *zasshō* on these matters.

The agreement is essentially as follows: Management of the land in this district shall become the responsibility of the *jitō* in perpetuity. On the matter relating to the payment of annual rent to the *ryōke* (lord of the *shōen*, there shall be no entry [into the *shōen*] by the representative of the *ryōke*.

Effective next year, that is the second year of Enkei [1309], of the annual rent due the *ryōke*, which is forty-five *kan*,² twenty-five *kan* shall be paid within the year the rent is due, and the remaining twenty *kan* by the second month of the following year. This amount is fixed and regardless of poor harvest or not, the *jitō* shall be responsible for its payment, and shall without delay consign the rice or remit the money of Kyoto. However, if there is a serious crop failure nationwide, the *jitō* may send a messenger to the *ryōke*, requesting the latter to send an inspector to the *shō* office, and determine the amount of the annual rent due in accordance with the conditions of the crop. . . . This is the settlement the two parties have agreed to. If the *ryōke* violates this agreement and breaks this contract (*ukedokoro*), of the amount of annual rent which is forty-five *kan*, the *jitō* may withhold one half of it. If the *jitō* shall act contrary to the provisions of this document, and fail to consign or transmit the annual rent, then he may be relieved from this contract (*ukedokoro*), and a suit may be

¹Yamanouchi Sudō-ke Monjo, as quoted in Ōkubo Toshiaki et al., *Shiryō ni yoru Nihon no Ayumi* (Japanese History through Documents), Vol. 2, *Chūseihen* (Mediaeval Period) (Tokyo: Yoshikawa Kōbunkan, 1958), pp. 146–147.

²The term *kan* was used most commonly to signify a unit of money which was equal to 1,000 *mon*. *Mon* was the smallest basic unit. However, during the Muromachi period the term was used also to denote a certain amount of crops that could be harvested from a field held by the samurai (*chigyō*).

instituted against him to handle the matter. In such an event, the *zasshō* may enter the *shō* office to discharge his responsibilities (*azukaridokoro zasshō*). This being the case, we request that the agreement be made known to others as soon as possible, and let this serve as a precedent for future reference.

First year of Enkei [1308], twelfth month, 18th day.

Jitō, Fujiwara Michisuke, *monogram*

Zasshō, Michisuke, *monogram*

2 On Matters Relating to the Annual Rent Due the Ryōke of Tomida Shō in the Province of Owari, 1327³ On the matter of annual rent related to the above *shō*, it is to be handled in accordance with the document (*ukebumi*) signed by Regent Hōjō in the fifth year of Jōgen [1211] [accepting the existing *jitō uke*]. However, there have been instances of withholding of annual rent, and suits have been brought against the *jitō*. Now a document is issued by the *jitō* stating that each year during the eleventh month, an amount of one hundred and ten *kan* will be delivered to Kyoto. Therefore the suit is cancelled and the entry of inspectors [sent by the *ryōke*] is stopped. However, the fields directly operated by [the representatives of] the *ryōke* are from the beginning not covered by the document, and the *zasshō*'s control of these fields shall not be open to question. If anyone acts contrary to the provisions of this document, [the *jitō uke* shall be cancelled and] the control of this *shō* shall revert directly to the control of the *ryōke*, or the provisions of the original document issued during the reign period of Jōgen [1211] shall become applicable.

This paper is issued for future reference.

Second year of Kareki [1327], fifth month, 18th day.

3 Shitaji Chūbun (Division of Lands in One Half for Administrative Purposes), 1318⁴ Settlement:

In re: Management of lands in Kamizaki *shō*, Province of Bingo.

The above named *shō* has as its *ryōke*, Kongō Sanmai In (temple) belonging to Mr. Kōya. Its *zasshō* Yukimori had a dispute over the management of the *shō* and its lands with *jitō*, Ano Suetsugu. The dispute was brought to trial and briefs by the plaintiff and defendant were presented and argued three times. However, it is agreed that as long as the *shō* remains in the possession (*chigyō*) of this temple, taking into consideration the special circumstances, a settlement shall be effected as follows: That the wet and dry fields, hills and rivers and all other lands shall be divided into one-half, and each party shall manage its respective

³Engakuji Monjo, in Ōkubo, *op. cit.*, p. 147.

⁴Kongō Saumai In Monjo, in Ōkubo, *op. cit.*, p. 148.

sphere with the exclusion of the other. These are the terms of the settlement as recorded.

Second year of Bunpō [1318], second month, 17th day.
Acting *Jitō* Saemon jo Sukekage, monogram
Zasshō Yukimori, monogram

TOKUSEI—FORGIVING OF DEBTS

Prior to the Kamakura period the term tokusei was used to signify forgiveness of taxes due in the event of natural calamity. However, the Kamakura and Muromachi bakufu utilized the term to signify a policy intended to solidify the foundation of their governments. The most famous tokusei edict of 1297 was issued as an emergency measure to rescue retainers (or vassals) of the bakufu from their financial difficulties which became more pronounced after the Mongol invasion. The edict had the unintended effect of cutting off the supply of money to needy retainers, and resulted in great financial confusion. It was abandoned the following year, but the same type of measure was reissued from time to time. During the Muromachi period most of the tokusei edicts were issued either in response to the demands of peasant uprisings or for the purpose of strengthening the financial position of the bakufu (as against that of its retainers).

4 The Tokusei Edict of Einin, 1297⁵

a) The Law Promulgated in Kantō (Kamakura)

1. Mortgaged land. Fifth year of Einin [1297], third month, 6th day.

The above, if the land was acquired by the *jitō* or *gokenin* (retainers or vassals of the *shōgun*), it need not be returned to the original owner if the transfer has been in effect for more than twenty years, and if it has been done in accordance with these provisions. However, if the land was acquired by those other than the *gokenin* and by the commoner (*bonge*) [referring to usurers operating the *dozō* and the like], then it must be returned to the original owner, irrespective of the number of years involved.

b) Laws Sent from Kantō (Kamakura) to Rokuhara (Kyoto)

1. Prohibition against Appeals.

Appeals have increased year after year, and those who have lost a case have often resorted to an appeal without considering the merit of the case. Thus those who have won the litigation cannot obtain assurance (*ando*). This is the root

⁵*Tōji Hyakugō Monjo*, in Satō Shinichi et al., eds., *Chūsei Hōsei Shiryōshū (Documentary Collections on Mediaeval Legal and Institutional History)*, Vol. 1, *Kamakura Bakufu Hō (Laws of the Kamakura Bakufu)* (Tokyo: Iwanami Shoten, 1955), pp. 295–297. For a discussion of this *tokusei* see Delmer M. Brown, “The Japanese *Tokusei* of 1297,” in *Harvard Journal of Asiatic Studies*, Vol. 12 (1949), pp. 188–206.

cause of many unhappy experiences. It is therefore decreed that this practice shall be prohibited. . . .

2. Mortgaging and Selling of Land.

Many retainers suffer difficulties by mortgaging or selling their land. Hereafter, such practices are prohibited. As to the land already sold, it must be returned to its original owner. However, this prohibition does not apply if the land was initially sold with the permission of the *bakufu*, which was confirmed by an official document (*okudashibumi* or *gechijō*), or if the land has been held (*chigyō*) for more than twenty years by the present owner, irrespective of whether the land is owned publicly or privately. If anyone disobeys this prohibition and acts lawlessly, he shall be punished.

With regard to land on which a non-retainer or commoner presently holds mortgage or title, it must be returned to the original owner, irrespective of the passage of years.

3. On the Matter of Lending Money for Interest.

When a person is in need of money, without regard for ill-advised expenditures, he incurs heavy debts from which he cannot extricate himself. In this way, the rich monopolize the benefit coming from high interest payments and the poor have no place to turn. Hereafter such debts cannot be recovered through litigation. Even if a creditor claims that his loan was certified by an official document (*gechijō*) and has not been paid and appeals [to the *bakufu*], no hearing will be granted.

With regard to pledging articles of value at a pawnshop (*kura*), such practice cannot be prohibited.

CRITICISM OF THE KEMMU RESTORATION

The writer of the following scribbling may have never expected this impromptu writing which he left on the dry river bed of Nijō in Kyoto to survive into the twentieth century. But it proved to be one of the best satires of the new government of Emperor Godaigo and of the Japanese society under him. The lack of law and order, the declining prestige of the Imperial Court, the arrogance of the new samurai, inequity existing in the Emperor's reward system, and the resulting confusions were all symptomatic of the age. It was no wonder that within two years after the start of the Kemmu Restoration (1333), the new government for all practical purposes was supplanted by the Askikaga.

5 Scribbling on the Dry River Bed of Nijō⁶ These are the kinds of things which are in vogue in this Capital City (Kyoto): burglars at night, false imperial

⁶*Kemmu Nenkan* (*Records of the Kemmu Era*) in Kasahara Kazuo et al., eds., *Seisen Nihonshi Shiryōshū* (*Selected Documents on Japanese History*), rev. ed. (Tokyo: Yamagawa Shuppansha, 1970), pp. 81–82.

scripts; prisoners, rapid horses to indicate trouble some place, false alarms; nuns returning to secular life to become prostitutes, or people becoming priests without going through regular ordination procedures; one who is lost in the street after experiencing a moment of glory as *daimyō* only to lose it, or starting unnecessary wars just for the sake of having titles to their estates reassured or of receiving rewards; litigants who leave their home provinces to converge on the claims court in the capital, carrying their documents in letter boxes; Zen monks and those monks without official ranks who use flattery and informing on others to gain the favor of the government; upstarts who supplant their superiors; appointments to the court of claims without regard to their ability or suitability; samurai who are unused to court ceremonies wearing the full regalia, including caps and wooden maces, pretentiously participate in the rituals of the Imperial Palace; appointment secretaries at the Court who pretend to be wise men, who as the middle men deceive both the Court and those who come to the Court, but whose falsehood cannot long remain hidden; . . .

Samurai who have to pawn away armors and repay their debts on a day-to-day basis; samurai from the Kantō region going to their offices in palanquins; man's divided silk shirts for ceremonial wear normally not allowed for use by plebians are worn by many without discrimination between the high born and the lowly born; inability of the samurai to discard their suits of armor because peace is still not here; samurai who cannot master the art of archery, who busily chase dogs, and who fall from their horses many more times than the number of arrows they possess; . . . the court nobles of the Capital City and samurai of Kamakura mixing together trying to have a meet of link verses (*renga*) only to see complete dissonance, and wherever a *renga* meet is held, people always prefer to become judges; really there is no distinction between those who are well accomplished in the arts, and those upstarts who want to claim authority without foundation. This is an age of licentiousness and disorder. There used to be a time when samurai obeyed the laws promulgated by Shōgun Minamoto no Yoritomo who subjugated the entire country. Nowadays, those once proud samurai are reduced to ones without backbones. This is a time of change, and those who rendered meritorious services and had many horses and cows in the morning, can find all of their wealth taken away in the evening. That is what is happening today. Then there are some who are not particularly loyal or distinguished by service, yet can attain rapid promotion to higher ranks. There must be some inequity existing, and the credibility of what is happening is certainly open to question. Somehow this is a strange way to unify the country. Being born in this day and age, what I can hear and see are often difficult to account for. But I am sharing with others at least one tenth of what the children in Kyoto are humming with certain tunes today.

ASHIKAGA TAKAUJI'S RISE TO POWER

After he was securely placed in the position of authority in Kyoto, and after successfully enthroning Emperor Kōmyō of the Northern Branch, Ashikaga

Takauji issued the following formulary consisting of seventeen articles (1336). It made reference to the Hōjō family who controlled the Kamakura bakufu, and showed clearly the intent of the Ashikaga to become the successors to the powers of the Kamakura bakufu. The articles were written by the monk Zeen. They cannot be considered the basic law by the Muromachi bakufu, but rather a series of injunctions. Until the Eisei period (1504–1520) numerous additions were made to the Kemmu Shikimoku in response to the changing conditions and to the needs of a given moment. The number of these additions exceeded 200 articles.

6 **Kemmu Shikimoku, 1336⁷** Should the *bakufu* remain in Kamakura as before, or should it be moved to another location? . . . If the people desire moving of the *bakufu* from Kamakura to Kyoto, then should not the government follow the wishes of the people?

The way of government, . . . according to the classics, is that virtue resides in good government. And the art of governing is to make the people content. We must therefore set the people's hearts at rest as expeditiously as possible. These are to be decreed immediately, but its rough outline is given below:

1. Frugality must be universally practiced.
2. Drinking and wild frolicking in groups must be suppressed.
3. Crimes of violence and outrage must be stopped.
4. Private houses which are owned by former enemies of the Ashikaga are no longer subject to confiscation.
5. The vacant lots existing in the capital city must be returned to their original owners.
6. Pawnshops and other financial institutions may be re-opened for business with protection from the government.
7. In selecting *shugo* (protectors) for different provinces, men with special talents in administrative matters shall be chosen.
8. The government must put an end to interference by men of power and by nobility, as well as by women, Zen monks, and monks holding no official ranks.
9. Men in public offices must be told not to be derelict in their duties. Furthermore they must be carefully selected.
10. Under no circumstances can bribery be tolerated.
11. Presents received from different quarters while in or out of office must be returned.
12. Retainers who serve closely must be carefully selected.
13. Strive to attain decorum.
14. When men of integrity, righteousness and honor are found, reward them accordingly.

⁷*Kemmu Shikimoku* in Satō Shinichi et al., eds., *Chūsei Hōseishi Shiryōshū (Documentary Collection of Mediaeval Legal and Institutional History)*, Vol. 2, *Muromachi Bakufu Hō (Laws of the Muromachi Bakufu)* (Tokyo: Iwanami Shoten, 1957), pp. 3–7.

15. Litigations brought by the poor and the inexperienced must be listened to with compassion.

16. Litigations brought by shrines and temples may or may not be heard depending on their merits, and must be carefully scrutinized [with large shrines and temples placed under the tightest scrutiny].

17. The date for the issuance of a formulary on litigation must be set.

The above seventeen articles are described briefly. . . . If we can emulate the virtuous rule of the sacred emperors Daigo and Murakami during the Engi (901–923) and Tenryaku (945–957) eras in the olden days, and if we can follow the more recent examples set by the father and son team of Hōjō Yoshitoki (1163–1224, second regent of the Kamakura period) and Hōjō Yasutoki (1183–1242, third regent), we shall then be able to govern in such a way as to gain adulation from all the people, which shall serve as the basis of peace within the four seas.

SHUGO AS DOMANIAL LORDS

By the middle of the fourteenth century, it became a common practice for the shugo to acquire fiscal rights in all non-military shōen within the areas under their jurisdiction. Along with the military and other responsibilities they acquired previously, they became the sole authorities in their provinces. This section shows their gradual transformation into the shugo-daimyō, who held sway over their own extensive territorial holdings, almost independently of shogunal control. The earlier emphasis placed on the functions of the shūgo as officials of the bakufu is given in Document 7. Document 8 prohibited the encroachment upon shōen held by temples and shrines, and also banned other illegal activities. Thus the two documents together show the dilemma that faced the Ashikaga government, namely the necessity to strengthen the position of the shugo in order to make them viable members of the Ashikaga bakufu, but in the process the latter also had to guard against their illegal activities including territorial acquisitions. Document 9, which was an edict of 1346, shows the continued encroachment upon shōen, and transformation of the samurai within specific provinces as private retainers of the shugo. In this way, militarily, politically, and economically, the shugo quickly completed their tasks of converting the territories under their jurisdiction as their own domains. The continued turmoil in the country, the adoption of the law of sharing rent between shugo and those who held proprietary rights to the shōen (hanzei) (Document 10), and the practice of permitting the shugo to submit only a set amount of the annual rent in return for the actual control of the shōen (Document 11) completely eroded the bases on which the shōen could survive. And with the demise of the shōen came the further enhancement of the powers of the shugo-daimyō as domanial lords.

The demise of the shōen also brought about economic difficulties for court nobles who were supported by the shōen. Their relative position vis-à-vis the samurai is reflected in Document 12.

7 Appointment of Shugo, 1336⁸ In selecting the *shugo* for different provinces, men with special talents in administrative matters shall be chosen. The past practice has been to name to the *shugo*'s position those who have served loyally in the military, and as a means of assigning the *shōen* to those who deserve rewards. However, the position of *shugo* is similar to the ancient position [of provincial governor (*kuni no tsukasa*)]. Whether a province can be governed well or not depends on this position. Therefore by appointing to this position only those who are talented, we shall be able to pacify the people.

8 On Matters Relating to Shugo of Various Provinces, 1338⁹ Issued on the fifth year of Kemmu [1338], seventh month, 29th day.

The rationale behind the appointment of *shugo* is to let them govern the provinces and to comfort the people. Thus only men of virtue must be appointed to these positions. Those who do not benefit the provinces must be replaced. Some may say that their positions are granted to them as reward for their meritorious service or that their positions have been in their families for generations. Some of them have encroached upon the proprietary rights of the original *shōen* protected by major temples and shrines. They have assumed the functions of various *jitō*, stationed their own troops, and filled [key] positions with their own retainers (*kenin*). These things are not supposed to be done. The provisions of the *Jōei Shikimoku* must be closely observed. The duties of the *shugo* as stated in the *Shikimoku* are three [see Chapter 6, Document 26, Article 3], and in all other matters, the *shugo* must not interfere. However, in recent years, without the authority of directives which are given from above and which are recorded, and without bothering to petition the higher authorities, an innumerable large number of *shugo*—whose conduct is of grave concern to us—in a short span of time, have moved in groups from one location to another over lands and rivers to press their demands. The circumvention of the administrative law and disturbance of established order are caused by their actions. Whatever infraction of law that exists must be rectified. It is hereby decreed.

9 Increase in the Powers of Shugo, 1346¹⁰ Matters which must not be performed by the *shugo* of various provinces.

1. With the exception of the three major duties (described in the *Jōei Shikimoku*) and the two additional duties of prohibiting harvesting of another's

⁸From *Kemmu Shikimoku jō jō* in *ibid.*, p. 5, being an explanation of Article 7 of Document 6 above.

⁹From *Kemmu Irai Tsuika*, in *ibid.*, pp. 11–12.

¹⁰From *Kemmu Irai Tsuika*, in *ibid.*, pp. 23–24.

fields when there are disputes, and of sending of retainers to oversee disputes in the fields, no *shugo* shall interfere in any other matters or gain proceeds from rent due others, all of which can be injurious to the *jitō* and to the retainers of the *shōgun*.

5. The *shugo* shall not contract marriages [with the families of *jitō* and of retainers of the *shōgun*,] as a means of forcibly making them allies.

6. The *shugo* shall not falsely claim that he has the right to collect rent from *shōen*, or use another's name, to gain financial control of those *shōen* protected by major temples and shrines.

7. The *shugo* shall not falsely state that he has orders from the provincial governor or the *ryōke* to collect rent without delay or that the rent he is collecting is for the use of temples and shrines. He is enjoined from sending his messengers to collect rent from common people's households.

8. The *shugo* shall not confiscate property from the common people under the pretext of using it for military purposes, or of borrowing it from them.

9. The *shugo* shall not acquire bonds of debts from others under a false pretext and use them to harass debtors.

10. The *shugo* shall not divide the tax allocated to him to those *jitō* and *gokenin* (retainers of the *shōgun*) residing in his domain, [thus transferring his tax burdens to others].

11. The *shugo* shall not erect new barriers and assess transit (or harbor) taxes on products coming from mountains, fields, and rivers, thus inconveniencing travellers.

It is said that these items prohibited are widely practiced these days. However, if any one of the above prohibitions is violated, that person shall be immediately relieved from the position of *shugo*. If the *shugo* is not aware of the crime committed, and it is proven beyond any shadow of doubt that the crime is committed by his deputy (*daikan*), in that case, the latter's estate (*shoryō*) shall be confiscated. If the latter possesses no estate, then he shall be condemned to banishment.

10

Adoption of the Law of Sharing Rent (Hanzei no Hō), 1352¹¹ On matters relating to estates protected by temples and shrines. Instructions issued on the third year of Kannō [1352], seventh month, 24th day.

As a result of recent disturbances, temples and shrines are lying in ruins, and patrons of the *shōen* (*honjo*) are deprived of their regular sources of income. This phenomenon has increased two-fold in recent years. In the provinces where there is no warfare, invasion of the *shōen* and seizure of annual rent by samurai are frequently observed. Therefore it is decreed that the *shugo* shall undertake the responsibilities of notifying the due dates of annual rent which are set in accor-

¹¹From *Kemmu Irai Tsuika*, in *ibid.*, pp. 28–29.

dance with the proximity or distance from the capital. If anyone disobeys this decree, one third of his estate (*shoryō*) shall be confiscated. If he has no estate, then he shall be condemned to banishment. If anyone, after initially obeying this decree, changes his mind and again disobeys, then the *shugo* may, without prior approval from the *bakufu*, mobilize the *jitō* and *gokenin* in his own province, move immediately to the locality, mete out the punishment, and place a deputy (*zasshō*, meaning *daikan*) as before to handle the matters of that particular *shōen*. Thereafter, the *shugo* must make a detailed report to the *bakufu*. If the *shugo* is derelict in this, he must be removed from his position.

In the three provinces of Ōmi, Mino, and Owari, one-half of the annual rent shall be assigned for use as military provisions. The crop harvested this year, and this year's only, shall be deposited with the military forces. (The administration and disbursement of the crop shall be left in the hands of the *shugo*.) The *shugo* must be notified of this matter. One-half of the annual rent must be turned over to the patrons of the *shōen* (*honjo*). If those who receive the crop in consignment on one pretext or another refuse to return the crop to the rightful owner, then the application of this law of sharing one-half of the rent shall be cancelled and everything must be returned to the patron of the *shōen*.

11 Shugo-uke (Contract for Shugo), 1402¹² On matters relating to the estate belonging to Mt. Kōya, located in Ōta *shō* and the Kuwabara region in the province of Bingo: The estate which is now managed by Onomichi Kurashiki who as a holder of the functions of *jitō* (*jitō-shiki*) is entitled to a certain portion of the rent (*chigyō*).

Henceforth all basic works shall be performed by Yamana Hirotsune (the *shugo*), who has agreed to submit to this temple one thousand *koku* each year as its share of the annual rent. It is ordered that this fact must be made known immediately, and I am sending this notice accordingly.

Ninth year of Ōei [1402], seventh month, 19th day.

Shami [Kanrei (commissioner) Hatakeyama Motokuni],
monogram

To the monks of this temple.

12 Contrast Between the Prosperity of Samurai and Poverty of Court Nobles¹³ Court nobles (*kuge*) have become so poor that they squat near a ditch

¹²From *Kōyasan Monjo* in Ōkubo et al., *op. cit.*, p. 280. The term *Shugo-uke* signifies a contract under which the *shugo* assumes the duties of collecting rent and administrative responsibilities. This *shō*'s annual revenue was about 1,800 *koku*, thus this *shugo-uke* was contracted at slightly over one-half of its annual revenue.

¹³From the *Taiheiki*, Vol. 33, in *Nihon Koten Bungaku Taikei* (*Major Compilation of Japanese Classics*), Vol. 36 (Tokyo: Iwanami Shoten, 1952), p. 252.

or wonder around in the street. In contrast the wealth of the samurai has multiplied day after day. They wear the best silk, and have eight different kinds of delicacies on their tables. When Hōjō Takatoki (1303–1333, the last regent) was Regent governing the country, the *shūgo* discharged only three basic duties and had no other responsibilities. Now, whether it be large or small, everything pertaining to the governing of a province is handled by a *shūgo*. He treats the *jitō* and *gokenin* (*shōgun*'s retainers) as if they were his own personal followers (or retainers, *rojū*), and controls the estates belonging to temples and shrines, sharing in one-half of their annual rent (in order to pay for the stipends of his own retainers). His authority is as great as the *tandai* (commissioners) stationed in Rokuhara (Kyoto) or Kyushu. In the Capital City, there are many *daimyō* headed by Sasaki Dōyō. These *daimyō* like to congregate together in a tea ceremony. Whenever they get together, they make merriment. All the treasurers from overseas and from our homeland are there. Every room is exquisitely decorated, and their chairs are covered by the furs of leopards and tigers. . . .

AGRICULTURAL DEVELOPMENT AND VILLAGE COMMUNITY

The late Kamakura period witnessed a substantial improvement in agricultural technology. This included the introduction of double cropping (and in some cases triple cropping), deep cultivation, use of draft animals (horses and oxen), nurturing of seedlings before planting, use of ashes and other fertilizers, and prevention of insect damage, all of which contributed to a sharp rise in productivity.

One of the results of these technological changes was further subdivision of the shiki and of farming classes. Those who were in the subordinate positions became small and middle farmers. As a result the traditional myōshu shiki (see Chapter 6, under Organization of Shōen) was transformed into either an outright ownership or the right to share in a portion of the yields of the land. The existence of money economy facilitated transfer of such rights and examples are found in Documents 13 and 14.

The technological improvement was closely related to irrigation, and access to water or water rights became one of the most important issues of the day. Traditionally, the shōen were bound by political and economic factors, and some of them existed in noncontiguous areas. With the necessity for community action in order to gain access to water, artificial boundaries created by the shōen were often disregarded, and in the place of shōen, sō, or village communities, were born. The problems relating to water rights were often simply described, and no document is given in this chapter. However, Document 15 shows the organization of the sō. There was a sense of solidarity and they could bind themselves together against undue exactions (Document 16).

In this manner the shōen received another blow to its continued existence.

13 Matters Relating to the Sale of Title Deeds (*Rikken*) to Fields, 1321¹⁴ Altogether one *tan* of land.

The four boundaries are as described in this title deed (*rikken*). . . . The above fields are privately owned and are inherited by Yukisada from his forefathers. However, now that he is in need [of money], he is selling the land at the cost of five *kan* of money, which act is completed with the transmission of seven copies of this deed including the original. Thus there shall be no interference from any quarters. As to the fields thus sold, Yukisada will remain as cultivator (*sakunin*), who promises to pay to the *jitō* and to the state the special taxes (*kujizeni*) [in kind or in cash, which are paid in addition to the annual rent] due them, and also to pay to the landlord eight *to* of rice as rent each year. However, if in the future he can redeem the full purchase price, a new title deed on the land may be issued [in Yukisada's favor].

First year of Genkyō [1321], sixth month, 26th day.

Seller, Yukisada, *monogram*

Purchaser, Monk (of Mt. Kōya)

14 Sale of Hyakushō Shiki (Rights of Farmers Residing on Land) on Certain Fields, 1480¹⁵ Altogether two *tan* of land.

The above fields, even though privately owned by Matsuzaki Gorōbe, and his son Jirō Tarō, because of their need [for money], the *hyakushō shiki* (farmer's *shiki*) of these fields, which yields six *to* of rice each year, is now being sold in perpetuity at the cost of three *kan*. . . .

Seller, residing near the Matsuzaki Shrine

Gorōbe no jō

Same as above, his son

Jirō Tarō

15 A Covenant for the Sō (Village Self-Governing Association), 1489¹⁶ Regulations commonly agreed to by the people of the village of Imahori, dated first year of Entoku [1489], eleventh month, 4th day.

1. Anyone who receives his right to residence from the *sō* (village self-

¹⁴From *Kōyasan Monjo*, in Ōkubo et al., *op. cit.*, p. 330. Here the sale of Yukisada's *myōshu shiki* to Mt. Kōya was involved.

¹⁵*Ibid.*, pp. 330–331. Hereafter the term *hyakushō* is translated as “farmer” or “farmers.” The original meaning of the term was “the common people.” But the great majority of people were farmers, and gradually the term became synonymous with “farmers.” The purchaser was Daitokuji.

¹⁶From *Hiei Jinja Monjo*, in Kasahara, *op. cit.*, p. 92.

governing association) will not be permitted to board anyone from outside of this village.

2. No one from other villages will be permitted to reside in this village, unless someone from this village serves as his guarantor.

3. If there is any boundary dispute between privately owned land and land owned by the *sō*, the matter must be settled with the payment of money.

4. No one will be permitted to keep dogs.

5. From the common fund of the *sō*, an amount of one *kan* will be paid each year for the performance of *sarugaku* to be held on the sixth day of the second month.

6. Anyone who sells his house must pay to the *sō* three *mon* out of one hundred *mon*, and thirty *mon* out of one *kan* realized from the sale. Anyone who disobeys this rule shall be expelled from the *za* (in this instance, *za* signifies worshipper's group of the village shrine).

7. Anyone who conceals the amount of the sale price of his house shall be punished.

8. No house shall be built to the east of the moat.

16 **Joint Petition by Farmers, 1407¹⁷** A Petition rendered on the fourteenth year of Ōei [1407], twelfth month, 15th day.

We beg your indulgence in the following matters:

1. We request that the rice offered to the temple which is earmarked for festivals be distributed to the farmers.

2. We further request that the expenses of the office of the *shōen*, which now amount to one *koku* three *to* of rice, may no longer be borne by the farmers. . . .

3. We wish to report that the flood damage has resulted in a reduction of eight *koku* and four *to* in rice production, and there is an additional damage of three *koku* and one *to* of rice.

4. On account of poor crops or abandonment of land, you previously ordered us to pay one half of the rent due from Nishidai (part of Ōyama *shō*, which amounts to twenty-four *koku*, eight *to* and three *shō*. However, cultivators of these fields come from other distant *shō*, and we cannot force them to work. Therefore, this year please count this as a complete loss.

7. The bribe due the *shugo* in the amount of three *kan* five hundred *mon* is submitted to you. . . .

8. After having paid our annual rent, we wish to report that those farmers who absconded have now returned.

9. The illegal acts of the deputy (*daikan*) were the root cause of the absconding of the farmers in the way they did, after exhausting all available means [to

¹⁷In Ōkubo et al., *op. cit.*, p. 337. This was a direct appeal by the farmers addressed to the Tōji, which was the *ryōshu* of the *shōen*.

fight against such illegal acts]. Relying on the help you are granting us, they have returned. However, if the deputy continues to occupy his position, then their return will be in vain. We venture to speak out in this manner, because the sinful and illegal deeds of the deputy are many. If [a new] deputy can be dispatched from the temple, it will benefit the farmers greatly. We have heard that the *ryōshu* of Ōyama *shō* is consulting with the *shugo* to summon the farmers [for additional duties]. We are very much surprised. This makes us to have no other recourse but to think of [moving to] other provinces.

May we submit our humble thoughts?

With trepidation, respectfully

Farmers from Kazuidani

To the Chief of the Administrative Department (*bugyōsho*) [of Tōji].

RISE OF A MONEY ECONOMY

The use of money became so pervasive in the fifteenth century that it infiltrated the shōen, further eroding the latter's economic bases. Document 17 shows substitution of money for the payment of annual rent in kind, and Document 18 shows the method used in determining the monetary value of rice. Document 19 shows how a money draft sent from one region could be honored in another region. Document 20 shows the inevitable consequence of infiltration of money economy which forced some farmers to sell their farms, while those who purchased farms gained wealth for themselves. Note also the frequency of utilization of pawnshops which charged usurious rates of interest.

The existing inequity thus led to the occurrence of peasant uprisings as seen in Document 21. Their primary targets were the pawnshops which had done them wrong, and their demands often included deliverance from their debts in the form of another tokusei (Document 22; compare Document 4).

17 Substitution of Money to Pay Taxes, 1353¹⁸ Petition from Yano *Shō*, Province of Harima, Submitted to Nishi no Onkata, on Tax (*kuji*) Matters.

If rice received as annual rent (*nengu*) is to be submitted to you in kind, boats must be utilized for its transportation, and we must also impose forced labor on the farmers. There are many difficulties connected with transportation by water. If money can be substituted for the payment of annual rent [it will facilitate the matter considerably]. We can sell rice at acceptable market price, and if it meets your approval, the money can be transmitted through *shugo* Akamatsu. We hereby beg your acceptance. . . .

Second year of Bunwa [1353], eleventh month.

¹⁸Tōji *Hyakugō Monjo*, in Ōkubo et al., *op. cit.*, pp. 351–352.

18 **Determination of Equivalent Money Value for Rice, 1361**¹⁹ We have received your communication of the tenth month, 16th day.

On the matter of selling rice received in payment for annual rent at an acceptable market price, on the first day of the tenth month at the Naha market in the presence of the lower *shō* official (*jige bantō*) and farmers, the agreed price (*washi*) for the rice for annual rent payment previously transported was set at one *koku*, two *to* and three *shō* [of rice] for one *kan* [of money]. Of this your messenger was aware. Thereafter on the first day of the eleventh month, at the Naha market in the presence of your messenger, the agreed market price was set at one *koku* and three *shō* [of rice] for one *kan* [of money]. . . .

Suketada, *monogram*

Nobuhiro, *monogram*

19 **Money Draft, 1468**²⁰ On Matters Relating to Draft (*warifu*) from Shinmi. Second year of Ōnin [1468], first month, 12th day.

Money to be exchanged.

Seal Altogether ten *kan*

This is to certify that the above amount of money may be issued to Sakabe Jirō-Shirō. We appreciate your response in due course.

Twelfth month, 13th day.

To Mr. Hikogorō Seal

20 **Land Owners and Pawnshops, 1471**²¹ From the Five *Shō* Located in the District of Sumiyoshi, Settsu Province.

Irrigated field in front of the archery practice field, cultivated by or its *saku shiki* (cultivator's *shiki*) owned by Taiseiji. Three *tan* and sixty *bu*.

Eastern boundary, provincial boundary.

Southern boundary, granary.

Western boundary, Nishi Kōenji.

Northern boundary, upper and middle cultivated fields.

[Hereafter description of four boundaries omitted]

Purchased on the eighteenth year of Ōei [1411], second month, 17th day, from Taiseiji. Two copies of the official title deed. Original tax (*eki*) on the public land leased for rental (*kuden*), three *to*. Spring and autumn rental (*jishi*), one hundred *mon* each.

¹⁹*Ibid.*, p. 352. Again the document was directed to Tōji, the *ryōke*.

²⁰*Ibid.*, p. 353.

²¹*Daitokuji Monjo*, in Ōkubo et al., *op. cit.*, pp. 353–354. This document contains the same information found in a land register (*tsubosuke*). The latter contains the following information for each parcel of land: type, location, cultivator, size, boundaries, and history.

Irrigated field in front of the archery practice field, cultivated by Rokurō Shirō. One *tan* and sixty *bu*.

A forfeited pawn on thirty-second year of Ōei [1425], second month, 29th day. Took possession of the land which did not come under the *tokusei* decree of 1428. Later in accordance with the judgment rendered by the *bakufu*, returned to the original owner. Original title deed reportedly lost in a fire, but a copy was taken and there is a bond of debt.

Irrigated field with night soil pond, cultivator's title deed. Two and one half *tan*, of which thirty *bu* in [vegetable] gardens.

A forfeited pawn from the exercise hall, on the fifth year of Eikyō [1433], second month, 17th day. Three copies of the original title deed.

Original tax on the public land leased for rental, three *to*, official levy one hundred *mon*, to be paid twice (annually). Also other levies. . . .

Altogether one *chō* nine *tan* and seventy-five *bu*.

Executed in accordance with the last will of Wagamagokoya.²²

Dōkin, monogram

Third year of Bunmei [1471], tenth month.

21 **Peasant Uprisings (Tsuchi Ikki, or Do Ikki), 1428²³** The first year of Shōchō [1428], in the ninth month, an uprising of *domin* [a composite term for peasants, other common people, and lower samurai] broke out. They claimed *tokusei* and went on to destroy wine shops, pawn shops (*dozō*), and temples which engaged in usury. They took anything they could lay their hands on, and cancelled the debts. Kanrei (commissioner) Hatakeyama Mitsuie suppressed this. There is nothing more than this incident to bring about the ruin of our country. This is the first time since the founding of Japan that an uprising of *domin* ever occurred.

22 **Fighting for Tokusei, 1441²⁴** (a) On the third day of this month (ninth month of the first year of Kakitsu, 1441), *domin* all around this area rose in revolt. They called their uprising *tsuchi ikki*, claimed *tokusei*, and burned or broke those things they borrowed [e.g., bonds and mortgages] from others, and went to pawnshops to redeem their goods with only a portion of the amount due. All of this started in Ōmi. . . . The government forces with a large number of men commanded by the *Samurai-dokoro* (Office of Samurai Affairs) engaged in a defensive fight, but the *domin* were far more numerous, numbering in the tens of thousands, and the government forces could not hold their positions. . . .

²²Wagamagokoya was possibly a merchant engaged in usury.

²³*Daijōin Nikki Mokuroku* and *Kennaiki* in Kasahara et al., *op. cit.*, p. 93.

²⁴*Kennaiki*, in Kasahara et al., *op. cit.*, p. 94.

On the tenth day, an association of pawnshop keepers (*dozō isshū*) submitted to Kanrei Hosokawa Mochiyuki a sum of 1,000 *kan* to bribe him into suppressing the uprising. Initially there was a letter of agreement stating that he would stop the disorder and engage in a defensive fight. However, he could not make his stand, and there were many *daimyō* (such as Hatakeyama, who did not agree with Kanrei Hosokawa since they were also heavily in debt and welcomed another enactment of *tokusei*). Thus the *kanrei* had to return the 1,000 *kan* of money and abandoned his defensive operations.

On the 14th day, *tokusei* was decreed, saying that it should be equally applicable throughout the country.

(b) Articles of *Tokusei*, limited to the first year of Kakitsu [1441]. [A Decree of the *Bakufu*]

1. On lands which are sold in perpetuity: in accordance with the provisions of the *tokusei* decree of Einin [Document 4], if a piece of land changed hands before the last twenty years, the purchaser shall claim full title to it. If the transfer has occurred within the past twenty years, the land shall be returned to the seller. However, if the transaction has taken place only between common men, irrespective of the time limit described above, the purchaser must consult [the seller].

DEVELOPMENT OF ICHI AND ZA

One of the outstanding developments in the economic history of Japan was the rise of markets (ichi) in the Muromachi period. They became collection and distribution centers. In the course of their development, they formed their own boundaries, which were distinct from those of the shōen. As the markets became semi-permanent fixtures, the domanial lords or patrons attempted to impose their control over them. Document 23 shows not only the boundary limits of the market, but also the power of control exercised by the patron over the affairs of the market.

During this period, most marketing was done by merchants who owned a specific seat (za) in a certain market which was usually placed under the protection of a nobleman, temple, or domanial lord. Collectively, those merchants who belonged to the same trade formed an association known as the za, which bore some resemblance to the European trade guild. Unless a merchant belonged to a za, he could not trade anywhere. Document 24 shows disputes between two contending za for their rights to engage in a similar type of commerce.

23 Rise of Ichi (Market) c. 1415²⁵ Regulations Regarding the Takaama Market (*ichi*) Posted. . .

1. The four boundaries of the *ichi* shall be within the confines of one *chō*, as

²⁵Kasuga *Jinja Monjo*, in Ōkubo et al., *op. cit.*, p. 356. The Kasuga Shrine and the Kōfuku Temple in Nara were administered together during this period.

noted in the map showing the respective locations of houses and grounds.

2. Anyone who is not a member of this *ichi* cannot sell or purchase within the confines of this one *chō*.

3. Within the market place, only samurai and officials connected with the temple shall be permitted to receive orders and perform their duties. Lower officials and servants are not permitted to reside within the confines of the *ichi*.

4. Every year, fees for exhibiting merchandise at the *za*, and rental for the houses and grounds must be paid.

5. Judgment regarding right and wrong can be rendered by any of the monks (of the Kōfukuji) who specialize in studying. There shall be no further confusion concerning the jurisdiction exercised by us.

24 **Disputes between Two Za, 1405²⁶** Respectfully submitted, that punishment from heaven be meted out.

The case above is related to the purchase and transportation of sesame, and the suit is brought by representatives (or attorneys or spokesmen, *yoribito*) for the Fuzaka *za*. It avers that henceforward, at whatever market, no one may dispute with the Fuzaka *za* representatives and purchase sesame. However, after these representatives have made their purchases, the remaining sesame may be bought by others. Furthermore, the suit asks that the principle of such sesame not being sold outside of the province be reaffirmed. In that event, [the Fuzaka *za* is] agreeable to the sale of one horseback load or one load carried on the shoulders between two persons. But it cannot permit five or ten horseback loads to be sold.

If these conditions are not observed, those who disobey will suffer punishment from these deities: Brahma, Indra, Four Deva Kings, Amaterasu Ōmikami, chief deity of Hachimangū, especially Kasuga Daimyōjin, with seven halls and three treasures, and in addition, Kanjizaion of Nanendō, and all the deities, great and small, in more than sixty provinces of Japan. We make our case as described.

Twelfth year of Ōei [1405], ninth month, 14th day.

Endō et al., each with his seal.

THE SŌRYŌ SYSTEM AND PRIMOGENITURE

During the Kamakura period, divided patrimony was still the rule, but the sōryō (literally the oldest son) was usually given the largest share of the estate, and exercised control over the property of all family members. For the purposes of serving Kamakura and of paying taxes, the sōryō was the unchallenged representative of his family (of kinship association). This practice is recorded in Document 25, which had the date of 1240.

Most of the samurai estates were held in the form of jitō shiki over the shōen,

²⁶*Daijōin Jisha Zōjiki*, in Ōkubo et al., *op. cit.*, pp. 356–357.

and they were often scattered in different parts of the country. In a period of turmoil, from the end of the Kamakura period through the Muromachi period, fewer and fewer samurai were able to exercise control of their *jitō shiki* in those scattered areas. Along with this, there was the tendency of those children other than the first son to maintain independent households. Meanwhile in the family of the *sōryō*, primogeniture became the accepted practice. Document 26, which was dated 1330, shows one of its earlier examples. Voluntary renunciation of individual inheritance in favor of the fittest to succeed to the entire estate to preserve its financial integrity is shown in Document 27. The story was given in the collection of Buddhist stories entitled *Shasekishū* which was compiled in 1279.

25 *Sōryō* System of Divided Patrimony, 1240²⁷ Division of the Estate (of the late Ōtomo Takanao).

The share of the first son, Oinosuke Nyūdō:

Jitō shiki [rights and income from *jitō*'s functions] and *gōshi shiki* [right and income from *gōshi*'s functions, the latter meaning official of a *gō*, or county] in the county of Ōtomo, province of Sagami.

The share of the second son, Takuma Bettō:

One half of the *jitō shiki* of the village of Shiga in the Ono *shō*, province of Bungo.

The share of Yamato Tarō Hyoenjō:

One half of the *jitō shiki* of the upper village in the same *shō*.

The share of Hachirō:

One half of the *jitō shiki* of the village of Shiga in the same *shō*.

The share of Kurō Nyūdō:

One half of the *jitō shiki* of the lower village in the same *shō*. However, this includes the income realized from the rights pertaining to the caring for the grave of the late father.

The share of daughter Inu Gozen:

Jitō shiki of the middle village in the same *shō*.

The share of daughter Mino no Tsubone:

One half of the *jitō shiki* of the village of Kami in the same *shō*.

The share of the widow of his late son, Takewaki Zaemon no jō. Several sons were born in this marriage.

Yasutada *myō* in the middle village of the same *shō*.

The above estate truly belongs to the late official of the province of Buzen, Takanao Ason who received letters of grant from the offices of successive *shōgun*. However, they were deeded to me, the Nun, Shinmyō, by my late father

²⁷*Shiga Monjo*, in Kasahara et al., *op. cit.*, pp. 69–70.

Takanao, and were placed under my management through a letter of grant from the *shōgun*'s office. Now, in accordance with the last will of Takanao, his estate is divided in this manner on behalf of his children. It is divided in accordance with the principle of equal division, and must be placed under the management of each without fail. However, in the event the Kamakura *bakufu* issues an order for the payment of different taxes, everyone must submit to the control of the first son, Oinosuke Nyūdō, each sending to him the amount due from his estate depending on the size [so that the tax owned by the family may be paid together]. For future reference, this document of division is written.

The Nun, Shinmyō, *monogram*

Second year of Ennō [1240], fourth month, 6th day.

26 **A Deed of Transfer by Yamanouchi-sudō Michitada, 1330**²⁸ In view of the fact that my estate is limited, in other words, only insignificant, I am therefore transferring the deed only to one legitimate heir. This is done even though it is customary to divide the estate among all children. Hereafter, the estate thus deeded must be inherited by only one of my descendants.

Dated the second year of Gentoku [1330].

27 **Voluntary Renunciation of Inheritance, c. 1279**²⁹ There was a certain domanial lord in the province of Tanba. He owned an estate not too large, but lived comfortably without experiencing poverty. As he became old, he wrote his will to divide his estate among his sons and daughters. He stated that his will should not be opened until after a period of forty-nine days of mourning was over.

After the period of mourning was past, the will was opened, and it divided the estate by giving the eldest son, who was the legitimate heir, the largest share, and on a descending scale in the order of birth, every child received a share. This was the customary way of dividing an estate. However, the oldest son said:

"We cannot challenge what has already been decided by our late father, but I still question the wisdom of his will. Our late father skillfully conducted his affairs, which made it possible for him to serve with distinction in Kyoto and Kamakura at the courts of the emperor and of the *shōgun*. However, if each of us attempts to serve our masters with the estate given to us which is so minutely divided, it will only cause great difficulties. Even though I am the first born, I

²⁸As quoted in Satō Shinichi, *Nanbokuchō no Dōran (Struggles between the Northern and Southern Courts)*, Chūō Kōronsha, *Nihon no Rekishi (A History of Japan)*, Vol. 9 (Tokyo: Chūō Kōronsha, 1965), p. 192.

²⁹From the *Shasekishū*, as paraphrased in Kuroda Toshio, *Mōko Shūrai (Mongolian Invasion)*, Chūō Kōronsha, *op. cit.*, Vol. 8, pp. 384–385.

lack talent. Therefore I wish to join a Buddhist order, say my *nembutsu* to attain salvation in my after-life. Thus I suggest someone who is talented inherit the household and manage the entire estate. Others may [follow my example by] entering a Buddhist monastery or nunnery, and rent fields from the heir to gain livelihood.”

After consultation, it was decided that the fifth son, being talented, should inherit the household, and all others renounced the world.