



UNITED STATES POLITICAL ADVISER FOR JAPAN

12/17
POLITICAL ADVISER
DEC 30 1946
DEPARTMENT OF STATE

Tokyo, November 12, 1946

Unrestricted

No. 695

DEPARTMENT OF STATE
DIVISION OF FOREIGN
REPORTING SERVICES
NOV 25 1946

SUBJECT: "Revised Agricultural Adjustment Law" and "Bill for the Special Measure for the Establishment of Owner Farmer."

The United States Political Adviser has the honor to enclose herewith copies of the English translation of "Revised Agricultural Land Adjustment Law" and "Bill for the Special Measure for the Establishment of Owner-Farmer." Both of these bills were passed by the Diet during its last session.

In order to implement the "Bill for the Special Measure for the Establishment of Owner Farmer," it was necessary to effect considerable revision of the old Agricultural Land Adjustment Law. The underscored portions of Enclosure No. 1 are the sections which were revised or deleted.

Under the provisions of the new owner-farmer legislation, the large estates will be broken up. The Government will purchase all lands declared by the various Agricultural Land Commissions to be available for distribution. After a property has been acquired it will immediately be made available for sale to an owner-farmer. The acreage which can be purchased varies according to location, the largest acreage per person being in Hokkaido. Purchasers will be permitted to pay for property acquired over a period of thirty years with interest at the rate of 3.2 per cent being charged on the principal.

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Enclosures: As Stated (single copies only)

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Enclosure No. 1 to Tokyo's No. 695, Nov 12, 1946, subject:
"Revised Agricultural Adjustment Law" and "Bill for the Special
Measure for the Establishment of Owner Farmer."
Doc. No., 22662

R/K

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation Requested by Allied Council.

Received ATIS: 4 Sep 46.

Description of Contents: Full Translation of Proposed Revised Agricultural
Land Adjustment Law.

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R/K

Proposed Amendments to the Agricultural Lands Adjustment Law, Showing Portions
of the Existing Law to Be Changed.

Agricultural Land Adjustment Law.

Legislation #67 - 2 April, 1938
Legislation #64 (Revised) - 28 Dec 1945

✓ Despatch encloses copies of the "Revised Agricultural Land Adjustment Law" and "Bill for the Special Measure for the Establishment of Owner-Farmer". These laws, passed by the 90th Diet, together embody the new land reform program. The second law contains the body of the program.

The attached SCAP press release contains an adequate summary of the principal provisions of the program both as approved by the Cabinet at the time of issuance of the release and as passed without important change by the Diet in October.

JA:RAFearey x

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Explanatory Notes:

The upper section represents the proposed revised legislation with underlining to indicate the portion that differs from the present Law.

The lower section represents existing legislation corresponding to the proposed legislation. Where no reforms are proposed in existing legislation, the legislation is included in the upper section, and is omitted from the lower.

(TN: In place of "upper and lower sections", indentation will be used to differentiate between proposed and existing legislation. Proposed reform legislation (i.e. the upper section of the original document) will run from the margin, while existing legislation (i.e. the lower section of the document) will be indented one inch. The portion which is side-lined in the document will be underlined in the translation.) *Underlining indicates that some change has been made.*

Article I.

'This law has for its object the adjustment of matters pertaining to agricultural lands in order to stabilize the status of farmers and to maintain and promote agricultural productive capacity.'

Article I.

This law has for its object the adjustment of matters pertaining to agricultural lands in order to regenerate the economy of agricultural villages and maintain peace therein, bearing in mind the need for stabilizing the status of farmers and farm-owners and maintaining and promoting, in a spirit of mutual assistance, agricultural productive capacity.

Article II.

In this legislation, the term "agricultural land" shall mean land which can be used for farming.

The term "farm rent" is applied to the rent for leased land which is used for farming. (Under the term "rent" the following things are included: land which is outside of the farm proper; and buildings and other installations which are leased with the farm. In cases where this rent is inseparable by contract from the farm rent, the rent from the land outside of the farm and from buildings and installations on the farm will be included in the farm rent.) The "farm rent" shall apply also to cases of emphyteusis when the object is the cultivation of land.

Article III.

Whenever the farmer or farm owner is unable to farm or manage the farm because of illness, or is excused under existing regulations, he may apply for management or sale of the farm to the city, town or village; to the agricultural association of the city, town or village; or to other such organizations that have been constituted by order.

When such an application is made, the aforementioned organizations have the authority to manage or purchase the farm in accordance with the order.

Article IV.

'The creation or transfer of the ownership, lease, superficies, or other farm land rights cannot be made unless the party obtains the permission of the provincial governor or the approval of the Agricultural Land Commission of the city, town, or village concerned in accordance with the provisions of the order.'

The permission or approval mentioned in the preceding paragraph may be subject to condition. Action taken without the permission or approval mentioned in the first paragraph shall be invalid.

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Article IV. Section 1.

When it is necessary to acquire land which is needed in an enterprise for the creation and maintenance of a Yeoman Organization which has been duly established under the law, or when it is necessary to assume the rights to the use or revenue of other land which is needed for the development of the aforementioned land, a metropolis, district, special prefecture, or prefecture; or a city, town or village; or the farm association of the city, town or village; or any duly constituted organization can, with the approbation of the provincial governor, obtain a consultation with the owner of the land or the party possessing rights to the land concerning the transfer of this land or the creation of authority to use the revenue from the land.

Before he can give the approval mentioned in the previous paragraph, the prefectural governor must first obtain the opinions of the Agricultural Land Commission of the city, town, or village in which the said land is located.

In such cases when the organization of the first paragraph cannot hold a meeting or cannot reach an agreement, it may request, in accordance with existing regulations, a decision from the Agricultural Land Commission of the metropolis, district, special prefecture, or prefecture on the transfer of the said land or on the creation of the right to use the said land or the revenue therefrom.

When the organization mentioned in the first paragraph makes such a request, the owner or others having rights to the land must be simultaneously notified.

Article IV. Section 2.

When a request for a decision is made in accordance with the regulations of paragraph 3, Article IV, the Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture must make a public announcement of such in accordance with the order.

When a request for a decision in accordance with the regulation of paragraph 3, Article IV is made, the owner or others having rights to the land in question may submit a written opinion to the Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture within two weeks from the date of the announcement.

When a request for a decision is made in accordance with the regulations of paragraph 3, Article IV, the owner of the buildings or other installations on the property involved (henceforth these will be called "installations") may, in cases where a decision has been rendered ordering the transfer of the land or establishing the right to use the farm land or the revenue therefrom, include in the previously-mentioned written opinion to the Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture a request that a decision be rendered concerning the transfer of land installations and on a transfer fee. However, this will not apply to installations built after the builder has received the notification mentioned in paragraph 4 of the previous article.

Article IV. Section 3.

The Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture shall begin deliberation after the period of time set by paragraph 2, Article IV, section 2 has elapsed.

A decision shall be rendered within two weeks from the date the Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture commences the aforementioned deliberations.

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Article IV, Section 3 (cont.)

If the Agricultural Land Commission of a Metropolis, District, Special Prefecture, or Prefecture is unable to render a decision within the prescribed period, the Prefectural Governor has the authority to render a substitute decision.

The regulations of Article IV, paragraph 2 shall apply in the instances mentioned in the two preceding paragraphs. The decision rendered shall be limited to matters introduced in the request. However, this shall not hinder the application of the regulations of paragraph 6.

In cases where a decision is to be rendered ordering the transfer of land and a request has been made for a decision concerning installations on said land in accordance with the regulations of the previous Article, paragraph 3, a judgment must be made upon the decision to transfer the land upon which the installations are located and upon a transfer fee for said installations.

When a decision is made to transfer land or to create the right to the revenue from the use of land, or when a decision is made ordering the transfer of land, such decisions must be based on the following:

1. The area of land to be transferred; the creation and the nature of the rights to the revenue from the use of the transferred land; the area of land which these rights include; and the installations to be transferred.
2. Compensation (in this and the following paragraphs, this shall include the installation transfer fees) and the method and term of payment.
3. The time involved in the transfer of the land and installations, and the duration of the rights to the revenue from the land.

The decision will be rendered in writing, bearing these considerations in mind. When the Agricultural Land Commission of a Metropolis, District, Special Prefecture, or Prefecture renders a decision, the Commission shall submit a report to the Prefectural Governor including a copy of the decision.

Article IV. Section 4.

A decision cannot be rendered permitting the transfer of land in accordance with the regulations of Article IV, paragraphs 2 and 3 or giving the approbation required by Article IV, paragraph 1 if the farm land falls under one of the following categories:

1. Yeoman's Land.
2. Farm land in which the owner's property does not exceed the area (henceforth to be called "fixed legal holdings") prescribed by Imperial Decree in the district or the adjacent district of the city, town, or village in which he lives or holds legal residence.
3. Farm land which the owner desires to retain and which falls within the fixed legal holdings prescribed by law, even if the owner's total holdings exceed the fixed legal holdings in the district or the adjacent district of the city, town or village in which said owner lives or holds legal residence.
4. Farm land which falls in such areas of district planning being conducted in accordance with the City Planning Law as are designated by the Prefectural Governor.

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Article IV, Section 4 (cont.)

5. Farm land which the Agricultural Land Commission of the City, Town or Village recognizes as land which the owner himself will farm in the near future, even though he has not been farming it himself; or which the Commission believes should be farmed by the owner himself.
6. Other farm lands designated by governmental decree.

Article IV. Section 5.

When the Prefectural Governor receives a report in accordance with the regulations of Article IV, section 3, paragraph 9; or when a decision is rendered in accordance with the regulations of the same Article, paragraph 3, the fact must be made public in accordance with governmental decree. Furthermore, the Prefectural Governor must send a copy of the decision to the petitioner, to the owner of the property, and to any other party having rights in connection with the property.

When the public announcement is made in accordance with the provision of the preceding paragraph, the decisions regarding the transfer of the land and the installations thereon, creation of the rights to the revenue from the land, or the decision to order the transfer of the land, or the decision on the installation transfer fee shall be considered to have been rendered, and the consultation among the parties concerned shall be considered terminated.

Article IV. Section 6.

When there is a deposit as a complete payment on the evaluation of the procurement of the property, of the right of ownership to the buildings, or of other rights in rem in accordance with paragraph 2 of the previous Section, only the person with the authority to register the deed may request the register of the deed.

Article IV. Section 7.

If the purchaser does not make a deposit or complete payment on the evaluation of the property to the owner of the land or installations in accordance with the provisions of Article IV, Section 5, Paragraph 2 on or before the time set by the adjudication, the decision is no longer valid.

Article IV. Section 8.

A party dissatisfied with the decision made under the provisions of Article IV, section 3, paragraph 2 or 3 may appeal the decision to the competent Ministry. If a person feels his rights have been infringed upon through an illegal decision, he may institute a lawsuit in the administrative courts.

Litigation which can be filed in ordinary courts in accordance with the provisions of paragraph 4 cannot be filed as an administrative suit.

Persons who are dissatisfied with the evaluation adjudication rendered under the provisions of Article IV, section 3, paragraph 2 or 3 may file suit in ordinary courts. However, a person cannot file suit if more than three months have elapsed since he received a certified written copy of the adjudication.

When the purchaser files suit in accordance with the provisions of the preceding paragraph, he may make a deposit equivalent to the predetermined evaluation. However, if the seller demands, the purchaser must pay the deposit set by the seller.

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Article IV. Section 9.

Any formalities or actions taken in accordance with the provisions of sections 2,3,5,6 or 7 of Article IV shall be binding upon the successors of the owner of the property or of any others now having rights to the property.

Article IV. Section 10.

The provisions of sections 1 to 9, inclusive, of Article IV shall apply when an organization, under the provisions of Article IV, paragraph 1 or the Agricultural Land Commission of a City, Town or Village grants to a third party the right to possession of the land or the right to the revenue from the land for an enterprise to create and support independent farmers of the same paragraph, upon the request of said third party. The "parties concerned" in Article IV, section 5, paragraph 2, shall be considered to include the owner of the land or installations, anyone else having rights to the land or installations, and the aforementioned third party.

Article IV. Section 11.

The provisions of Article IV, sections one through three, and Article IV, sections five through nine shall apply when a Farm Development Organization, the Farmers' Association of a Metropolis, District, Special Prefecture, Prefecture, City, Town, or Village, or other duly-authorized parties desire to develop (this excludes the organization mentioned in Article IV, section 1, paragraph 1, set up to develop farm land and support the enterprise for the creation and maintenance of the Yeoman's Establishment mentioned in the same paragraph) virgin land or lands whose transfer is necessary for their development, or desire to transfer or establish the right to the use of revenue from these lands.

In cases where the Prefectural Governor or the Agricultural Land Committee of the Metropolis, District, Special Prefecture, or Prefecture decides upon an evaluation for the transfer of virgin lands in accordance with the regulations of Article IV, section 3, paragraph 2 or 3 which apply in the previous paragraph, the evaluation of these virgin lands cannot exceed the evaluation of adjacent similar farm lands after the development expenses as set by order have been deducted.

Article IV. Section 12.

The provisions of Article IV, sections one through three and five through nine based on the regulations of Article IV, section 5, paragraph 2 (including all cases applying under the previous two Articles) shall apply to transactions involving security rights when security rights exist for these lands or installations thereon.

When the security rights lapse in accordance with the provisions of the previous paragraph, the party required to make payment on the evaluation of the rights to the land or installations thereon must make a deposit upon that evaluation. However, this shall not apply when a special decision is rendered with the conference or the adjudication.

In the case mentioned in the previous paragraph, the person holding the said security rights may exercise his rights toward the deposit.

Article V

The provisions of the previous Article do not apply in any cases which fall under the following categories:

1. When the organization mentioned in Article III obtains the rights mentioned in the previous Article for the purpose of carrying out of the enterprises mentioned in Article III.

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Article V (cont.)

2. When one of the parties concerned in the procuring of these aforementioned rights is the nation, a metropolis, a district, a special prefecture, a prefecture, or a Farm Development Organization.

3. When land is expropriated in accordance with the Land Expropriation Law, or other applicable laws.

4. When other regulations are applicable.

Article V.

The establishment or transfer of ownership rights, lease rights, superficies rights, and other rights to farm land shall be invalid unless the approbation of the prefectural governor, or the head of the city, town, or village shall have been secured in accordance with law by the party concerned.

Article VI. Section 1.

'If the owner, leaser, or emphyteuta of the agricultural land, or any person who possesses any other right entitling him to cultivate the land, desires to use such farm land for purposes other than farming, he shall first obtain permission from the prefectural governor in accordance with the provisions of the law. This permission may be subject to conditions.'

Article VI. Section 2.

The amount of the evaluation of the agricultural land (excluding the cases in Article VI, section 4) in excess of the amount obtained by multiplying the rent which is charged in accordance with the Land Tax Law by the rate established by the competent Ministry can not be paid, received, or included in a contract. However, this does not apply to the transfer of farm land when the transferor or the transferee under duly established law has the approval of the prefectural governor, or has other legal authority.

When the competent Ministry establishes this rate, it must be made public.

The provisions of paragraph 1, when they are made public in accordance with the regulations of the preceding paragraph, shall not apply to farm land for which a transfer contract already exists and to which the transferee has already registered his rights, or when the transfer of the aforementioned farm land has already been completed.

Article VI. Section 3.

If the prefectural governor recognizes the necessity upon the petition of the Agricultural Land Commission of the city, town, or village, he may, after consulting the opinion of the Agricultural Land Commission of Metropolis, District, Special Prefecture, or Prefecture, determine a rate in lieu of the rate mentioned in paragraph 1 of the preceding Article regarding the disputed area, or a new amount can be determined in lieu of the amount mentioned in the same paragraph in accordance with the other prescribed standards of that paragraph.

If the Prefectural Governor determines an amount or rate in accordance with the provisions of the preceding paragraph, these results shall be made public. When these results are made public in accordance with the provisions of the preceding paragraph, the new rate and amount shall be regarded as superseding the old.

Article VI. Section 4.

When the transfer of land having no rent evaluation under the Land Tax Law is effected, the transferor and the transferee must obtain the approval of the Prefectural Governor in accordance with regulations pertaining to rent evaluations.

In case of farm land evaluated in accordance with the preceding paragraph, no contract, payment, or receipt can be made if the amount be in excess of the approved farm land evaluation mentioned in the preceding paragraph.

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Article VI.

The provisions of the previous Article do not apply in any cases which fall under the following categories:

1. When the organization mentioned in Article III obtains the rights mentioned in the previous Article in order to carry out the enterprise mentioned in Article III.
2. When procuring farm lands for carrying out an enterprise devoted to the creation and maintenance of a Yeoman Establishment as described in Article IV, section 1, paragraph 1, or when procuring farm lands for an enterprise devoted to the creation and maintenance of a Yeoman Establishment in accordance with the law.
3. When procuring the rights mentioned in the preceding Article for the purpose of cultivating farm land.
4. When one of the parties concerned in the procuring of these aforementioned rights is the country, a metropolis, a district, a special prefecture, a prefecture, or a Farm Development Organization.
5. When land is expropriated in accordance with the Land Expropriation Law, or other applicable laws.
6. When other regulations are applicable.

Article VII.

It is necessary to register independent farm land which is being used to found or support an enterprise for creating or maintaining independent farmers 'in accordance with the law'. If the aforementioned registration is not made, independently-farmed land being used or to be used for the establishment and maintenance of an enterprise for the creation and support of independent farms 'in accordance with the law' shall have no legal defense against a third party.

Necessary matters to be included in the registration in accordance with the provisions of paragraph 1 shall be determined by Imperial decree.

Article VII. Section I

It is necessary to register independently-farmed land being used or to be used in establishing and maintaining an enterprise for the creation and maintenance of the independent farmers mentioned in Article IV, section 1, paragraph 1 and Article VI.

If the aforementioned registration is not made, independently-farmed land being used or to be used for establishing and maintaining an enterprise for the creation and maintenance of the independent farmers mentioned in Article IV, section 1, paragraph 1 and Article VI shall have no legal defense against a third party. Necessary matters to be included in the registration in accordance with the provisions of paragraph 1 shall be determined by Imperial decree.

Article VII. Section 2.

If a person procures farm land for an enterprise devoted to the creation and maintenance of the independent farms mentioned in Article IV, section 1, paragraph 1 and transfers the same for purposes other than cultivation within two years of the date of procurement; or if the land be expropriated within two years of the date of procurement and the amount obtained be in excess of the transfer evaluation and the indemnity received by the former-owner for the transfer of the aforementioned farm land, the former owner may demand the surplus amount from the transferring or expropriating party. However, this shall not apply when over two years have passed since the date of transfer or expropriation of the farm land.

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Article VIII

Even though the rent be not registered, the party obtaining the rights in rem to the farm land shall have a valid contract if the transfer of the farm land has been completed.

The provisions of paragraphs 1 and 3 of Article DLXVI of the Civil Code shall apply to the buying and selling of farm land which is used for leasing out without registration. The provisions of Article DXXXIII of Civil Code shall apply in the cases just mentioned.

Article IX

Unless the lessee fails to pay the rent or by some other action breaks faith without justification, the lessor cannot refuse a renewal of the contract or abrogate the written 'or verbal' contract for the lease of the land. This does not apply when there is a change in the purpose for which the land is used, or when it is recognized as proper that the lessor farm his own land, or when there are other reasons to justify it.

When the parties concerned set a time limit on the rent contract for the farm land, and when, within six months to one year of the termination of the contract either party has not given notice to the other party of the refusal to renew the contract and has not given notice of a change in the terms of the contract, the terms of the previous rent contract will be considered still in effect. However, this does not apply when it is clear that the contract was a temporary one based on the inability of the lessor to farm his own land because of illness or some other special circumstance.

When either party desires to abrogate the written 'or verbal' contract or desires to refuse renewal of the contract, he must secure the approval of the city, town, or village Agricultural Land Commission in accordance with the provisions of the law.

'Any action taken without having acquired the approval mentioned in the preceding paragraph shall be invalid.'

Any provision of a tenancy agreement which is at variance with the provisions of paragraph 2 or of Article DCXVII or DCXVIII of the Civil Law, and works to the disadvantage of the lessee will be considered invalid.

Article IX.

Unless the lessee fails to pay the rent or by some other action breaks faith without justification, the lessor cannot refuse a renewal of the contract or abrogate the written contract for the lease of the land. This does not apply when there is a change in the purpose for which the land is used, or when it is recognized as proper that the lessor farm his own land, or when there are other reasons to justify it.

When the parties concerned have set a time limit on the rent contract for the farm land, and when, within six months to one year of the termination of the contract, either party has not given notice to the other party of the refusal to renew the contract and has not given notice of a change in the terms of the contract, the terms of the previous rent contract will be considered still in effect. However, this does not apply when it is clear that the contract was a temporary one based on the inability of the lessor to farm his own land because of illness or some other special circumstance.

When either party desires to abrogate the written contract, or desires to refuse renewal of the contract, he must receive the approval of the city, town, or village Agricultural Land Committee in accordance with the provisions of the law.

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Article IX (cont.)

Any action taken without having acquired the approval mentioned in the preceding paragraph shall be invalid.

Any provision of a tenancy agreement which is at variance with the provisions of paragraph 2 or of Articles 617 or 618 of the Civil Code and works to the disadvantage of the lessee will be considered invalid.

Article IX, Section 2.

An agreement shall not be made nor shall rent be paid or received through a contract which stipulates that the rent shall be paid in anything other than money or shall be based on anything other than money.

This does not apply in cases where the debtor, at the time payment of the rent is due, makes payment other than in money with the approval of the creditor.

A contract drawn up in violation of the provisions of the previous paragraph will be considered to have reached an agreement on the amount of rent which shall have been converted into cash in accordance with governmental decree or to have included provision for its reduction. (When the amount to be converted into cash, as compared to the amount of farm rent or the reduction agreement mentioned in the items in Article IX, section 3, works to the disadvantage of the rentee or the emphyteuta, it shall be determined under the provisions of the items of section three, Article 9.)

Article IX, Section 3.

When the amount of farm land rent or the provisions of the reduction agreement are to the disadvantage of the rentee or the emphyteuta in comparison with the provisions of the Reduction-Exemption Agreement or amount of rent mentioned in the following items, contract shall not be concluded, nor payments made or received. However, this does not apply when, for special reasons, the renter or the owner of the farm land has received permission from the Prefectural Governor in accordance with governmental decree.

Item 1: The amount of rent and the provisions of the reduction agreement attached to the farm land at the time when Farm Rent Controls shall be abolished. (In cases where amount of rent and the provisions of the reduction agreement have been determined on items other than money or on the basis of anything other than money, the provisions of the reduction agreement and the amount of rent to be converted into money in accordance with governmental decree.)

Item 2: For farm lands which are not included in the previous paragraph, the first amount of farm rent and the first reduction agreement to be set after abolition of Farm Rent Control.

Article IX, Section 4.

When the city, town, or village Agricultural Land Commission deems it necessary and secures the approval of the Prefectural Governor, it may determine the Reduction-Exemption Agreement, the amount of farm rent substituted for the Reduction-Exemption Agreement, or the amount of farm rent included in each of the items of the previous Article, section 3, pertaining to city, town, or village farm lands.

When the Prefectural Governor grants the said approval, he must first consult the opinions of the Agricultural Land Committee of the Metropolis, District, Special Prefecture, or Prefecture.

When the Prefectural Governor grants the aforementioned approval, the fact must be made public in accordance with governmental decree.

When the aforementioned fact is made public in accordance with the provisions of the preceding paragraph, it will be considered the farm rent or the reduction agreement mentioned in the various paragraphs of the preceding Article.

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Article IX, Section 4 (cont.)

The provisions of the preceding four paragraphs apply when changing the reduction agreement or the published amount of farm rent.

Article IX, Section 5

When the Governmental Administrative Office considers the amount of farm rent or provisions of the Reduction Agreement as provided for in the regulations of preceding two sections of this Article inordinately unjust, it may determine the amount of farm rent and the provisions of the reduction agreement which will be substituted for the farm rent and the provisions of the reduction agreement mentioned in the various paragraphs of Article IX, section 3.

When the Prefectural Governor is determining the amount of farm rent and the reduction agreement as regulated in the previous paragraphs, he must consult the opinion of the Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture. The provisions of paragraphs 3 through 5 of the previous Article shall apply in cases of paragraph 1.

Article IX, Section 6.

The provisions of the preceding two articles do not apply to reduction agreements or to the amount of farm rent determined in accordance with the Tenant-farmer Mediation Law, settled by court, or reached through compromise in court.

Article IX, Section 7.

The provisions of Article IX, sections 2 through 6, shall apply to farm lands to be leased, emphyteusis, or to contracts accompanying these when there are no provisions made for deposits, monetary or material indemnities, and repairing and irrigation expenses; for the amount of farm rent, for the rent of farm land other than that included in the reduction agreement; provided that such shall be prescribed by order.

Article IX, Section 8.

'In cases where the farm rent exceeds the amount which corresponds to the fixed rate of the price of rice which is usually harvested in the case of rice paddies, or of the price of the main product that is usually harvested in the case of fields, the lessee or emphyteuta may require the lessor or owner of said lands to reduce the rent to an amount which corresponds to the fixed rate.'

'The fixed rate mentioned in the preceding paragraph shall be determined by the Agricultural Land Commission of the Metropolis, Territory, Special Prefecture, or Prefecture in accordance with the basis set up by the Central Agricultural Land Commission. However, this rate shall not exceed 25 percent in case of paddy-fields or 15 percent in case of fields.'

'Matters necessary to the operation of the provisions of paragraph 1 which are not provided for in the preceding paragraph shall be determined by order.'

'Rules for the Central Agricultural Land Committee shall be set forth by Imperial Decree.'

Article IX, Section 9.

Irrespective of pretext, action can not be taken to circumvent the regulating restrictions of Article VI, section 2, paragraph 1; Article VI, section 4, paragraph 2; Article IX, section 2, paragraph 1; or Article IX, section 3 (including the instances when Article IX, section 7 is applied).

Article IX, Section 8.

Regardless of pretext, action shall not be taken to circumvent the regulating restrictions of Article IV, section 2, paragraph 1; Article IV, section 4, paragraph 2; Article IX, section 2, paragraph 1, or Article IX, section 3 (including instances where Article IX, section 7 is applied).

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Article IX. Section 10:

'Any contract, or lease, or emphyteusis which has for its object the cultivation of land, shall be made in written form and the amount of farm-rent, terms of payment, terms of the Reduction-Exemption Agreement, duration of lease or emphyteusis, repair expenses, drainage and irrigation expenses, improvement and other expenses, and other content in reference to lease or emphyteusis shall be clearly stated in said writing.'

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Article X.

The Tenant-farmer Mediation Officer may, if he deems it necessary for the common weal in disputes over tenant relations, request mediation in accordance with the Tenant-farmer Mediation Laws.

When a suit on tenant-farmer relations continues indefinitely, the court in which the suit has been filed may, after consulting, by virtue of its authority, the opinion of the Tenant-farm Official, submit the dispute to the Mediation Board in accordance with the Tenant-farmer Mediation Law.

Article XI.

The Court, if it deems it necessary for mediation in accordance with the Tenant-farmer Mediation Laws, may, after consulting the opinion of the Tenant-farm Official by virtue of its authority, issue necessary orders for management of the farm in preparation for the mediation.

The judgment provided for by the provisions of the preceding paragraph shall be made in accordance with the Law for Legal Proceedings in the court in which the suit is being held.

A party violating the adjudication which is in accordance with the provisions of the preceding paragraph may be subject to a fine not in excess of 500 yen by the court in which the mediation is being held.

The provisions of Articles 207 and 208 of the Law for Legal Proceedings in voluntary jurisdiction (TN: Jurisdictio voluntaria) (HISHO JIKEN TETSUZUKI HO) to the fine mentioned in the previous paragraph.

Article XII.

If mediation by the Mediation Board fails in accordance with the Tenant-farm Mediation Laws, the Court, if it deems it necessary and proper, may, after consulting, by virtue of its authority, the opinions of the Tenant-farm Official and members of the Mediation Board, and in just consideration of the merits of both parties concerned and of all the circumstances of the case, pass a substitute judgment for the mediation, settling such points of dispute as the duration of tenancy relationship, changes in the conditions of the tenancy agreement, etc.

This adjudication can order the payment of farm rent, the transfer of farm land and other property matters.

The provision of paragraph 2 of the preceding article shall apply to adjudication in accordance with the provisions of the preceding paragraph.

An immediate appeal can be made against the adjudication made in accordance with the provisions of paragraph 1. The period for this appeal shall be two weeks.

The aforementioned immediate appeal has the power to stop the enforcement of the adjudication.

When a settlement is effected by the Court in accordance with the provisions of paragraph 1, a compromise between the parties shall have the same validity as a judicial settlement.

Article XIII.

With the exception of disputes over tenant-farm relations, when a dispute occurs over relations between adjacent farm lands, other matters in relation to the utilization of farm lands, the party concerned may submit a request for mediation by the courts. In these cases, the Tenant-farm Mediation Laws and the provisions of Article X through XII shall apply.

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Article XIV.

The Court may, if it deems it necessary for the settlement of disputes over the duration of tenancy relations, or changes in the provisions for tenancy agreements, etc, in accordance with Article XII or XIII, consult the opinions of the Agricultural Land Committees of the City, Town or Village or of the Metropolis, District, Special Prefecture, or Prefecture.

Article XV. Section 1.

There shall be a city, town or village Agricultural Land Commission established in each city, town, or village. The city, town or village Agricultural Land Commission shall be under the supervision of the Prefectural Governor, and shall be responsible for the following:

1. These matters placed under the jurisdiction of the Commissions by this and other laws.
2. These matters which are authorized by Imperial decree in adjusting of other farm land relations.

Article XV. Section 2.

The Agricultural Land Commission shall consist of a chairman and committee members.

The chairman shall be elected from within the committee by his fellow committee-members. In cases when the chairman cannot be elected by co-optation by the committee members, the Prefectural Governor shall appoint the chairman from among the committee-members who shall have been elected in accordance with paragraph 8.

The committee members shall be elected by these persons who come under any of the following categories, and who have the right to vote for lawful candidates who shall also come under one of these categories:

1. A person engaged in cultivation who does not own his own land, or who farms an area which exceeds twice the area owned by him.
2. An owner of agricultural land who does not engage in cultivation of his land, or whose land exceeds twice the area cultivated by him.
3. A person who engages in cultivation and who owns agricultural land, but who does not come under either of the categories above.'

In applying the provisions of the preceding paragraph, agricultural land owned by the head of a house or a family but cultivated by a person who lives with the family; or agricultural land owned by the head of a house or a family which for special reasons as specified by order does not reside on such land, and is worked by a person who does not reside there, shall be deemed to be owned by said person engaging in the cultivation of the land.

In applying the provisions of paragraph 3, the head of a house or the family of a person falling under any of the categories of that paragraph with the provisions of items one, two, and three shall be respectively, five, three, and two.

The prefectural governor may, if he deems it necessary, increase the prescribed number of committeemen to be elected through the provisions of the third paragraph, in the case of a specially created Agricultural Land Commission of a City, Town, or Village. In such a case, the number to be increased under item Number one must be equal to the total number increased under items two and three, and the total number of increase shall not exceed ten.

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'The prefectural governor may, if he deems it necessary, appoint a maximum of three committee members in addition to those elected under the provisions of paragraph three.'

'In appointing the committeemen mentioned in the preceding paragraph, the unanimous consent of the committeemen already elected through the provisions of paragraph three shall be required. However, this does not apply when the prefectural governor appoints a committeeman to be chairman in addition with the exception in paragraph 2. The position of committee members shall be an honorary position.'

Article XV. Section 3.

'A person who has his permanent residence within a city, town, or village and who engages in cultivating farm land whose acreage is set by order or who owns within his city, town, or village, farm land whose acreage is set by order, or the head of the house or family living with such a person, shall have the right to vote for as well as become a candidate for committeeman of the Agricultural Land Commission of a city, town, or village.'

'The provisions of paragraph 4 of the preceding Article shall apply 'mutatis mutandis' to cases mentioned in the preceding paragraph.'

Article XV. Section 4.

'No person falling under any of the categories given below shall possess the right to vote or to become a candidate:

1. Minors;
2. Those judicially declared incompetent;
3. Any person who has been sentenced to six years or more of imprisonment with or without hard labor;
4. Any person who has been sentenced to imprisonment with or without hard labor for a term not exceeding six years, but whose sentence has not been completed or who is not out on parole.'

'The following persons shall not be eligible for candidacy:

1. A person judicially declared quasi-incompetent;
2. A bankrupt person who is not yet solvent.'

Article XV. Section 5.

The head of the city, town, or village has the responsibility of the administration of the election.

Article XV. Section 6.

The election shall be conducted by ballot. Ballots shall be limited to one per person. In an election, the voter shall go into the poll booth alone, and personally affix the name of one candidate to the ballot. However, in the case of a corporation, the ballot shall be cast by an authorized representative. The voter shall not affix his name to the ballot.

Article XV. Section 7.

The candidate receiving a majority of the votes is elected. In case of a tie, the oldest candidate is elected. In case the candidates are of the same age, the election will be decided by a drawing.

Article XV. Section 8.

A committeeman shall not resign without proper reason.

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Article XV. Section 9.

The term of office for committeemen shall be 'two years'.

'Any person having the right of suffrage under any item of Article XV, section 2, paragraph 3, if he has the concurrence of more than fifty per cent of those with suffrage rights under the same provisions in desiring a re-election, may issue a request to the head of the city, town, or village for a re-election of all of the members of the Committee elected in accordance with the provisions of the same paragraph and following under the same category.'

'The prefectural governor may, if special circumstances exist, dismiss any committeeman who has been elected in accordance with the provisions of Article XV, section 2, paragraph 3.'

'The provisions of Article XV, section 2, paragraph 9 shall apply in instances mentioned in the preceding paragraph.'

The alternate committeemen shall serve out the remainder of the term of office of their predecessors.

Even though the term of office of a committeeman has expired, he shall continue to perform the duties of his office until his successor assumes the duties.

Article XV. Section 10.

Those committeemen who have been elected in accordance with the provisions of Article XV, section 2, paragraph 3 shall be removed from office if they are found to lack the right to become a candidate.

Article XV. Section 11.

If the quorum of a majority of the committeemen of the city, town, or village Agricultural Land Commission be not in attendance, the meeting cannot be convened. Material under consideration will be decided by a majority vote of the members present. In case of a tie, the committee-chairman will cast the deciding ballot.

'The meetings of the city, town, or village Agricultural Land Commission shall be open to the public. The committee-chairman shall see that the minutes of the meeting are recorded, and that the minutes are open for inspection.'

Article XV. Section 12.

A committee-member shall not participate in proceedings which concern himself or members of his family.

Article XV. Section 13.

There shall be an Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture set up in the respective division. The Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture shall be under the supervision of the Prefectural Governor and the Competent Ministry, and shall be responsible for the following:

1. Matters placed under their authority under the provisions of this 'and other' laws.
2. Matters pertaining to the adjustment of other farm land relations as ordered by Imperial decree.

Article XV. Section 14.

The Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture shall be composed of a chairman and committee-members. The chairmanship shall be filled by the prefectural governor.

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The position of committee-members shall be filled from among those included in the following:

1. Those elected by co-optation among the committeemen who have been elected in accordance with the provisions of Article XV, section 2, paragraph 3 and who fall under item number of the same paragraph. --10 members.
2. Those elected by co-optation among the committeemen who have been elected in accordance with the provisions of Article XV, section 2, paragraph 3 and who fall under item 2 of the same paragraph. --6 members.
3. Those elected by co-optation among the committeemen who have been elected in accordance with the provisions of Article XV, section 2, paragraph 3 and who fall under item three of the same paragraph. --4 members.
4. Those nominated by the Competent Ministry from among distinguished scholars. --5 to 10 members.'

Article XV. Section 15.

The provisions of Article XV, section 2, paragraph 10, Article XV, section 6, 7, and 8, Article XV, section 9, paragraph 1, 2, 3, 5, 6, and Article XV, section 10, 11, and 12 shall apply to the Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture. In Article XV, section 9 "the head of the city, town, or village" shall read "Prefectural Governor"; in the same Article, paragraph 3, "the Prefectural Governor" shall read "Competent Ministry"; and "Article 15, section 14, paragraph 3, item 4" shall read "Article XV, section 2, paragraph 8".'

Article XV, Section 16.

If the Agricultural Land Commission of a Metropolis, and the District, Special Prefecture, or Prefecture, or of a City, Town, or Village Land Organization find it necessary to dispose of matters under the provisions of Article XV, section 1 or Article XV, section 13, it may request the appearance of the farm land owner, the farmer, or others having an interest in the land, or may order committee-members or people "attached to the committee office" to collect necessary reports and conduct the necessary investigation of the farm land and other pertinent places.

Article XV. Section 17.

The expenses for the city, town, or village Agricultural Land Commission shall be borne by the city, town, or village. The expense for the Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture shall be borne by the respective district.

Article XV. Section 18.

Matters not covered by the provisions of Article XV, section 1 through 17 pertaining to the Agricultural Land Commissions of a Metropolis, District, Special Prefecture, or Prefecture or of a City, Town, or Village shall be decided by Imperial decree.

Article XV.

There will be a city, town, or village Agricultural Land Commission in each city, town, or village. The city, town or village Agricultural Land Commission shall be under the supervision of the Prefectural Governor, and shall be responsible for the following:

1. Those things placed under the Commission by this law.

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2. Those matters which are authorized Imperial decree in the adjusting of other farm land relations.

Article XV. Section 2.

The Agricultural Land Commission shall consist of a chairman and 18 committee-members. The chairman shall be elected from within the committee by his fellow committee-members. The prefectural governor will nominate three committeemen from among those who have a high reputation and whose residence is within the district of said city, town, or village, and the committee members shall be elected by those persons who come under any of the following categories and who have the right to vote for lawful candidates who shall also come under one of these categories:

1. Persons who own farm land but who do not farm said land which is in the district of the city, town, or village; or persons who own land in the district of said city, town, or village, the area of which exceeds twice the area of the farm land which he has under personal cultivation.
2. Persons who do not own the farm land which they have under cultivation in said city, town, or village; or persons who are farming an area which exceeds twice the area of the farm land owned in said city, town, or village.
3. A person who engages in cultivation and who owns agricultural land in the district of said city, town, or village, but who does not come under either of the categories above.

The number of committeemen to be elected in accordance with the provisions of each item of the previous paragraph shall be five each. The position of committee-members shall be an honorary position.

Article XV. Section 3.

Persons who have their residence within the district of a city, town, or village and who own the legally prescribed area of farm land within the district of said city, town, or village; or persons who are farming land of a legally prescribed area shall have the right to vote for, as well as become, committee-members of the city, town, or village Agricultural Land Commission.

Article XV. Section 4.

No person falling under any of the categories given below shall possess the right to vote as to become a candidate:

1. Any person who has been sentenced to six years or more of imprisonment with or without hard labor;
2. Any person who has been sentenced to imprisonment with or without hard labor for a term not exceeding six years, but whose sentence has not been completed or who is not out on parole.

The following persons shall not be eligible for candidacy:

1. Minors;
2. A person who has been judicially declared incompetent or quasi-incompetent;
3. A bankrupt person who is not yet solvent.

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Article XV. Section 6.

The election shall be conducted by ballot. Ballots shall be limited to one per person. In an election, the voter shall go into the poll-booth alone, and personally affix the name of one candidate to the ballot. However, a ballot by proxy may be cast for a minor or a judicially declared incompetent person by any authorized representative. In case of a corporation, the vote shall be cast by an authorized representative. Special regulations may be established for those voters (including the representatives and the legal proxy mentioned in the preceding paragraph) who can prove their inability to cast a ballot personally on election-day at the voting booths in accordance with regulations may do so, despite the provisions of the preceding paragraph. The voter shall not affix his name to the ballot.

Article XV. Section 9.

The term of office for committeemen shall be one year. However, in accordance with the provisions of Article XV, section 2, paragraph 3, the committeemen nominated by the prefectural governor can be released from duty even during their legal term of office when there is special reason.

The alternate committeemen shall serve the remainder of the term of office of their predecessors. Even though the term of office of a committeeman has expired, he will continue to perform the duties of his office until his successor assumes the duties.

Article XV. Section 10.

Those committeemen who have been elected in accordance with the provisions of Article XV, section 2, paragraph 3 shall be removed from office if they are found to lack the right to become a candidate, or if they fail to fall under any item of Article XV, section 2, paragraph 3.

Article XV. Section 11.

If the quorum of a majority of the committeemen of the city, town, or village Agricultural Land Commission be not in attendance the meeting cannot be convened.

Material under consideration will be decided by a majority vote of the members present. In case of a tie the committee chairman will cast the deciding ballot.

Article XV. Section 13.

There shall be a Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture in the respective division.

The Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture shall be under the supervision of the prefectural governor and the Competent Ministry; and shall be responsible for the following:

1. Matters placed under their authority under the provisions of this law.
2. Matters pertaining to the adjustment of other farm land relations as ordered by Imperial decree.

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Article XV. Section 14.

The Agricultural Land Commission of the Metropolis, District, Special Prefecture, or Prefecture shall be composed of a chairman and committee-members. The chairmanship shall be filled by the prefectural governor.

The position of committee-member shall be filled from among those included in the following:

1. In each Gun (in HOKKAIDO, the area under the supervision of the District Office) one person will be elected by co-optation from among the committee-chairmen of the city, town, and village Agricultural Land Commissions. If there be only a single town or village Agricultural Land Commission within the district of a Gun, the chairman of that Commission shall be the member.
2. In the city Agricultural Land Commissions, one of the chairmen will be selected for that position by co-optation. If there is only a single city Agricultural Land Commission within the city, the chairman of that organization will be the member.
3. Those nominated by the Competent Ministry from among distinguished scholars - 5 to 10 members.

Article XV. Section 15.

The provisions of Article XV, section 2, paragraph 5, and Article XV, section 8 through 12 shall apply to the Agricultural Land Organization of the Metropolis, District, Special Prefecture, or Prefecture.

Article XV. Section 16.

If the Agricultural Land Commission of a Metropolis, District, Special Prefecture, or Prefecture or of a city, town, or village find it necessary to administrate matters under the provisions of Article XV, section 1 or 13, it may request the appearance of the farm land owner, the farmer, or others having an interest in the land, and may request that committee members collect necessary reports and conduct the necessary investigation of the farm land and other pertinent places.

Article XVI.

Local taxes shall not be levied on realty procurements which are included in the following:

1. The procurement of land which falls under the provisions of Article III, or the procurement of land for an enterprise for the maintenance and establishment of yeoman's land in accordance with Article VII.
2. The individual procurement of land for an enterprise for the maintenance and establishment of yeoman's land as mentioned in Article VII.
3. The procurement of land by an enterpriser, when the land becomes useless to the owner in his enterprise to establish and maintain independent farming as mentioned in Article VII.

Article XVI.

Local taxes shall not be levied on realty procurements which are included in the following:

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1. The procurement of land by an organization mentioned in Article III or Article IV-paragraph 1 for an enterprise mentioned in the same paragraph.
2. The individual procurement of land for an enterprise for the maintenance and establishment of yeoman's land as mentioned in Article IV-paragraph 1, or in Article VI.
3. The procurement of land by an enterpriser, when the land becomes useless to the owner in the maintenance and establishment of yeoman's land as mentioned in Article IV-paragraph 1, or Article VI.

Article XVII.

The administrative government office may, if it deems it necessary, collect reports pertaining to farm lands and other lands and equipment on the land, and the officials may make a surprise inspection of the farm lands and other places between sunrise and sunset and look into conditions, records and documents, etc. pertinent to the farm land.

'2. When the Agricultural Land Commission of a city, town, or village is to be established in a city, town, or village in which the number of persons eligible to become candidates on the basis of any of the items of Article XV, section 2, paragraph 3 is less than the prescribed number set by paragraph 6 of that Article, an exception may be made by a special order based on an Imperial Ordinance.'

'In a city, town, or village where special circumstances exist, the Agricultural Land Commission of a city, town, or village need not be established by Imperial Ordinance. In such a case, the Agricultural Land Commission in the adjacent city, town, or village designated by the prefectural governor shall take charge of such matters as fall under the jurisdiction of Agricultural Land Commission of the city, town, or village in accordance with this law.'

'The prefectural governor may, if he deems it especially necessary, divide, in accordance with the order, a city, town, or village into two or more districts and form a District Agricultural Land Commission in the various districts in place of the Agricultural Land Commission of a city, town, or village.'

'The provisions of this Law (except paragraph 2) on the Agricultural Land Commission of a city, town, or village shall apply to the District Agricultural Land Commission of the preceding paragraph.'

3. The regulations of this law pertaining to towns and villages and the heads of towns and villages shall apply to the 'town or village Associations and the Association Managers in those places where they co-operate in the administration of all town and village office work and office matters,' and to places where town or village system is not enforced. The provisions pertaining to the city and mayor shall apply to those wards under the TOKYO Metropolitan Office, and to such wards as designated by the prefectural governor and the heads of the wards in the cities of KYOTO, OSAKA, YOKOHAMA, NAGOYA, and KOBE.

4. Any persons violating the provisions of 'Article IV; Article VI, section 2, paragraph 1; Article VI, section 4, paragraph 2; Article IX, section 2, paragraph 1; Article IX, section 3 (including cases which apply under Article IX, section 7); or 'Article IX, section 9' shall be subject to imprisonment not in excess of two years or a fine not to exceed 10,000 yen.

5. Any persons who fall under any one of the following categories shall be subject to imprisonment not in excess of six months or to a fine not to exceed 500 yen.

'a) Violators of the provisions of Article VI;'

b) Violators of the provisions of Article IX, paragraph 3;

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c) Any persons who neglect to make a report in accordance to the provisions of Article XVII; make a fallacious report; or refuse, obstruct or avoid the investigation and surprise inspection by the aforementioned government officials.

6. Whenever a legal representative, an ordinary or legal proxy, a servant or their employee acts in the affairs of a person or a legal body in violation of Article XVII, section 4, or items 1, 2, or the first half of item 3 of the preceding section, the aforementioned fine shall be levied upon the person or legal person as well as punishment being inflicted upon the executor of the deed. (Supplementary Law: Law #67, 1938.)

Article XVII. Section 2.

A city, town or village Agricultural Land Commission shall not necessarily be placed in a city, town or village in accordance with Imperial Ordinance when the number of persons eligible to become candidates on the basis of any of the various items of Article XV-section 2-paragraph 3 is less than the prescribed number set by paragraph 4 of that Article, or when other special conditions exist in said city, town or village. In such instances, matters which fall under the jurisdiction of the city, town, or village Agricultural Land Commission in accordance with this Law shall be managed by the head of said city, town, or village.

Article XVII. Section 3.

The regulations of this Law pertaining to towns and villages or the heads of towns and villages shall apply the managing body in communities where town or village systems are not enforced. The provisions pertaining to the city and mayor shall apply to wards under the TOKYO Metropolitan Office, and to such wards as are designated by the prefectural governor and the heads of the wards in the cities of KYOTO, OSAKA, YOKOHAMA, NAGOYA, and KOBE. In the application of the provisions of Article IV-section 4, the district of a TOKYO ward shall be considered a city.

Article XVII. Section 4.

Any person violating the provisions of Article VI-section 2-paragraph 1; Article VI-section 4-paragraph 2; Article IX-section 2-paragraph 1; Article IX-section 3 (including cases which apply under Article IX-section 7); or Article IX-section 8 shall be subject to imprisonment not in excess of two years, or a fine not to exceed 10,000 yen.

Article XVII. Section 5.

Any persons who fall under any of the following categories shall be subject to imprisonment not in excess of six months or a fine not to exceed 500 yen.

a) Violators of the provision of Article IX-paragraph 3.

b) Any persons who neglect to make a report according to the provisions of Article XVII; make a fallacious report; or refuse, obstruct, or avoid the investigation and surprise inspection by the aforementioned government officials.

Article XVII. Section 6.

Whenever a legal representative, an ordinary or a legal proxy, a servant or other employee acts in the affairs of a person or a legal body in violation of Article XVII-section 4, or items 1 or the first half of item 2 of the preceding Article, the aforementioned fine shall be levied upon the person as legal person as well as punishment being inflicted upon the executor of the deed.

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Article XVIII.

The effective date of this Law shall be determined by Imperial Ordinance. (By Imperial Ordinance #525, 1938, this Law shall become effective on 1 Aug 38.)

Article XIX.

Yeoman land which shall have been established and maintained before the effective date of this Law for an enterprise for the maintenance and establishment of independent farmers in accordance with the law, may be registered as devoted to that purpose. The provisions of Article V; Article VII, paragraph 2 and 3; and Article XVI, section 1, items 2 and 3 shall apply to yeoman land mentioned in the preceding paragraph.

Article XX.

The provisions of Article VIII and Article IX shall apply also to contracts for farm land rents existing at the time that this Law takes effect. However, in case a lease contract exists for farm land at the time this Law goes into effect and is to expire within a year after the effective date of this Law, even though the notice of refusal to renew the contract which was given by one party to the other within a year prior to the expiration date or notice to the effect that the contract shall not be renewed with certain changes in the provisions thereof has not been done within the period set by Article 9, paragraph 2, it shall nevertheless be considered to have been done within that period.

Article XXI.

The provisions of Article X, paragraph 2; Article XI and Article XIV shall apply also to law suits and mediation cases for tenant-farm relations and other matters relating to utilization of farm lands which are in progress at the time that this Law shall become effective.

Article XXII.

The words "items 8 and 9" in the provision of Article XIX of the Registration Tax Law shall be changed to "items 8 and 9-4".

In item 8 of the same Article of the same Law, the words "the maintenance and establishment of independent farmers," or; "HOKKAIDO special prefectural, prefectural, city, town or village Industrial Association and Union of Industrial Associations" shall be deleted, and the following item shall be added after item 8:

"Item 8 - 2. The registration of the procurement of privately-owned land for an enterprise devoted to the establishment and maintenance of independent farmers according to the provisions of Article IV, Article VI, or Article XIX of the Farm Land Adjustment Law."

Item 9 of the same Article of the same Law shall be changed as follows:

"Item 9: The registration of the procurement of mortgage rights by organizations mentioned in the Farm Land Adjustment Law, Article III or Article IV, by a party carrying on an enterprise as mentioned in Article VI or Article XIX, or by a party lending capital for the needs of the enterprises mentioned in Articles III, IV, VI or XIX of the same Law."

Item 9 - 2: Registration of the procurement of rights to land for an organization as mentioned in the Farm Land Adjustment Law, Articles III or IV, for an enterprise as mentioned in Articles III or IV of the same Law.

Item 9 - 3: Registration of the procurement of mortgage rights for land devoted to the establishment and maintenance of yeoman land by persons carrying on an enterprise as mentioned in the Farm Adjustment Law, Articles IV, VI, or XIX.

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Item 9 - 4: Registration made according to the provisions of the Farm Adjustment Law, Articles VII or XIX.

Item 12 of Article XIX shall be changed as follows:

Item 12. The registration of the procurement of ownership rights to land which has become useless to its owner in his enterprise to establish and maintain independent farmers as mentioned in the Farm Land Adjustment Law, Articles IV, VI, or XIX.

Supplementary Provisions.
(Law #64, 1945)

Article I.

The effective date of each provision of this law shall be determined by Imperial Ordinance.

Article II.

The revised provisions of Article VI, section 4 shall not apply to the registration of farm land rights which have already been made by a transferee for farm land having a transfer agreement in existence at the time this Article takes effect; or to farm land whose transfer has been completed.

Article III.

The revised provisions of Article IX - 2 shall not apply to the receipt or payment of farm rent with rice harvested prior to 1945.

Article IV.

City, town, and village Agricultural Land Commissions and/or those of a Metropolis, District, Special Prefecture, or Prefecture which exist under existing regulations may continue until they have been established in accordance with this Law. Matters under the authority of the Agricultural Land Commission of the Metropolitan, District, Special Prefecture, Prefecture or of a City, Town, or Village shall be managed in accordance with this law.

Necessary matters concerning the Agriculture Land Commissions of a City, Town or Village or of a Metropolis, District, Special Prefecture, or Prefecture shall be determined by Imperial Ordinance when the revised provisions of Article XV, sections 1 through 18 (except for the provisions of the preceding paragraph) become effective.

Article V.

The Tenant-Farm Rent Control Act, The Temporary Farm Land Price Control Act, and the Temporary Act for the Management of Farm Lands and Related Matters shall be revoked.

Approval or permission or the request for approval or permission based upon the Tenant-Farm Rent Control Act, the Temporary Farm Land Price Control Act, or the Temporary Act for the Management of Farm Lands and Related Matters prior to the effective date of the provisions of the preceding paragraph shall be considered to have been obtained in accordance with the provisions of this Law.

In the application of the penal code for action taken prior to the effective date of the provisions of paragraph 1, the Tenant-Farm Rent Control Act, the Temporary Farm Land Price Control Act, and the Temporary Act for the Management of Farm Lands and Related Matters shall be valid.

In accordance with Imperial Ordinance #37 (1946), the supplementary provisions of Article V (this is limited to the parts pertaining to the abolition of the Farm Rent Control Act) and the re-

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vised provisions of Article IX, sections 2 through 7; Article IX, section 8 (This is limited to the parts of Article IX, section 2, paragraph 1 and Article IX, section 3 which apply to Article IX, section 2, paragraph 1, Article IX, section 3 and Article IX, section 7. The remaining are the same); Article XVII, section 4 (This is limited to the parts of Article IX, section 2, paragraph 1; Article IX, section 3, and Article IX, section 8 which apply to Article IX, section 2, paragraph 1; Article IX, section 3; and Article IX, section 7. The remaining are the same); and Article XVII, section 6 (This is limited to parts of Article XVII, section 4) become effective as of 1 Apr 46, and the other parts become effective as of 1 Feb 46.

Supplementary Provisions
(Date.....Law #.....)

The effective date of this law shall be determined by Imperial Ordinance.
The revised provisions of Article IV shall apply if the following be uncompleted: The contract for farm land drawn up prior to the effective date of this Law in accordance with Article VI, section 1, item 3 of the former Law and the approval of former Article V; the establishment of rights by the aforementioned contract; or the registration of transfer of said land; or the transfer of said farm lands. From the effective date of this Law until such time as is determined by Imperial Ordinance the words "Approval of the city, town, or village Agricultural Land Commission" in Article IX, paragraph 3, shall read "Permission of the prefectural governor;" and the word "approval" in the revised provision of Article IX - paragraph 4 shall be changed to read "Permission".
A part of the Tax Registration Law will be revised as follows:

In Article XIX, section 1, item 8 - 2, "Article IV and Article VI" shall be changed to "Article VII". In Article XIX, section 1, item 9 "Article VI" shall be changed to "Article VII," and "or Article IV" and "Article IV" will be eliminated. In Article XIX, section 1, item 9 - 2, "The organization mentioned in Article IV...in accordance with Article III or Article IV of the same Law" shall be changed to "Article VII". In Article XIX, section 1, item 9 - 2 and item XII, "Article IV, Article VI" shall be changed to "Article VII".

Enclosure No. 2 to Tokyo's No. 695, Nov 12, 1946, subject: "Revised Agricultural Adjustment Law" and "Bill for the Special Measure for the Establishment of Owner Farmer."

Bill for the Special Measure for the Establishment of Owner Farmer

Article 1

This Law has the object of establishing the owner-farmers promptly and widely for the purpose of stabilizing the status of cultivators and giving them the fruits of their labour fairly thereby contributing to the increase of the agricultural productive power and promotion of the democratic tendency in rural communities.

Article 2

The agricultural land within the meaning of this Law is land which is employed for cultivation.

Within the meaning of this Law, the owner-farmer land is an agricultural land which the person engaging in cultivation is employing for his business on the ground of ownership and the tenant farmer land is an agricultural land which the person engaging in cultivation is employing for his business on the ground of lease, loan for use, emphyteusis, superficies or pledge.

In applying the provisions of the preceding paragraph, those rights, mentioned in that paragraph, which are possessed by a head of

the family or a family member of a person engaging in cultivation who lives in the same house or a head of the family or a family member of a person engaging in cultivation who does not live in the same house by the special reason as specified by order shall be deemed to be possessed by the said person engaging in cultivation.

Within the meaning of this Law, the owner-farmer is an individual who is engaging in cultivation on the owner-farmer land and the tenant-farmer is an individual who is engaging in cultivation on the tenant-farmer land.

Article 3

The agricultural land mentioned below shall be purchased by the government:

1. The tenant-farmer land owned by the owner of the tenant-farmer land outside the limits of any City, Town or Village in which his permanent residence is situated (comprising the area which is, within the administrative limit of City, Town or Village adjacent thereto, and which is designated as to be corresponding to the area

tioned in any of items 2 and 3 of para. 1.

Apart from the agricultural land mentioned in para. 1, the agricultural land mentioned below which in accordance with the provisions of order, the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or Prefecture or the Agricultural Land Commission of a City, Town or Village deems it suitable that it be purchased by the government for the purpose of establishing an owner-farmer land shall be purchased by the government.

1. In cases where the area of an owner-farmer land of the owner-farmer whose cultivation is not reasonable, exceeds the area mentioned in item 3 of para. 1, such part of the owner-farmer land as exceeding the said area;

2. The owner-farmer land which is engaged in cultivation by a person other than an owner-farmer on the ground of contract for work or other contract;

3. The agricultural land owned and operated by a juridical person or other association with the object of engaging in cultivation whose cultivation is not reasonable;

4. The tenant-farmer land owned by juridical person of other association.

5. The agricultural land which a person who may cultivate on the ground of ownership or other title is not using for cultivation at present;

6. Except lands mentioned in any of items mentioned above, the agricultural land which the owner thereof has proposed to the Agricultural Land Commission of a City, Town or Village to be purchased by the government.

Article 4

In applying the provisions of the preceding Article, the agricultural lands owned by the head of the family or the family member of an owner of an agricultural land who lives in the same house or by the head of the family or the family member of an owner who does not live in the same house by the special reason mentioned in the Article 2, para. 3, within the limits of a City, Town or Village in which the permanent residence of the said owner is situated, shall be deemed to be owned by the owner of the said agricultural land.

In applying the provisions of para. 1 of the preceding Article, the owner of an agricultural land whose permanent residence is not situated within the limits of a City, Town or Village where his agricultural land is located, by the reason mentioned in the Article 2, para. 3 shall be deemed to be

a person whose permanent residence is situated within the limit of a City, Town or Village concerned.

Article 5

The agricultural land mentioned below shall not be subject to the purchase of the government which is to be done in accordance with the provisions of Article 3;

1. The agricultural land which the government or public corporation uses for the public or for official business;

2. The agricultural land owned by the Metropolis, Hokkaido, a Special Prefecture or, Prefecture, a City, Town or Village, the Agricultural Association of the Metropolis, Hokkaido, a Special Prefecture or, Prefecture, the Agricultural Association of a City, Town or Village, the Agricultural Practice Association, the Agricultural Land Development Corporation or other associations as specified by order which shall be used as the object for the establishment of owner-farmer or for common cultivation;

3. The agricultural land which is used as the object of experiment and research or guidance of agriculture, and which is designated by the prefectural governor;

4. The agricultural land which is situated in the area of the

land within which adjustment of town-lots is effected under Art. 12, para. 1 of the City Planning Law or of the land mentioned in Art. 16 para. 1 of that Law and which is situated within an area as designated by the prefectural governor;

5. The agricultural land which is deemed suitable to be used for the altered object in the near future and which is designated by the Agricultural Land Commission of a City, Town or Village with the approval of the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or a Prefecture;

6. In cases where, because an owner-farmer cannot engage in cultivation on his owner-farmer land by reason of illness or by any other cause as specified by order, such land is employed by other person engaging in cultivation on the ground of lease or loan for use, the agricultural land which the Agricultural Land Commission of a City, Town or Village recognizes to be a land to be cultivated in the near future by the owner himself and deems it suitable that it be so cultivated;

7. The agricultural land, the yield of which is very meagre, such as the developed land, burnt-field and changed field, or other agricultural land as specified by order which the

Agricultural Land Commission of a City, Town or Village deems it unsuitable to be purchased by the government.

Article 6

In case where the government purchases the land in accordance with the provisions of Art. 3, such purchase shall follow the plan for the purchase of the agricultural land set up by the Agricultural Land Commission of a City, Town or Village.

The agricultural land to be purchased, the time of purchase and the consideration shall be provided in the plan for the purchase of the agricultural land mentioned in the preceding paragraph.

In case where there is the rental value of the land as fixed under the Land Tax Law, the consideration mentioned in the preceding paragraph shall be determined within the extent of the amount which represents 40 times the said rental value for paddy field and 48 times for upland field (if the prefectural governor has specified the rates in accordance with the provisions of Art. 6-3, para. 1 of the Agricultural Land Adjustment Law, such rate shall apply instead of 40 or 48); in case where there is no rental value as fixed under the Land Tax Law, the Agricultural Land Commission of City, Town or Village shall determine the amount, with the approval of

the prefectural governor, provided, however, that in cases where there exist the special circumstances the Agricultural Land Commission of City, Town or Village shall determine the amount with regard to the said agricultural land with the approval of the prefectural governor.

The Agricultural Land Commission of a City, Town or Village shall set up the plan for the purchase of the agricultural lands with the consideration of the following matters:

1. To give to persons to be owner-farmer the impartial opportunity to purchase the agricultural land;
2. To group the agricultural land cultivated by persons to be owner-farmer and to make the proportion of the paddyfield and the upland field suitable and just in respect of the said agricultural land according to the circumstances of the district concerned.

If the Agricultural Land Commission of a City, Town or Village sets up the plan for the purchase of the agricultural land, public notice thereof shall be given without delay and the document stating the following matters shall be submitted to public inspection at the city office or town or village office for ten days from the day on which public notice has been given.

1. Name and permanent residence of the owner of the agricultural land to be purchased;

2. The location, lot number, class (in cases where the class entered in the land register differs from its actual condition the class as it appears in the land register as well as the class according to its actual condition; the term when hereinafter referred to shall be understood in the same sense) and size of the land to be purchased;

3. Consideration;

4. Time of purchase.

Article 7

If any person who is entitled to ownership with regard to the agricultural land provided in the plan for the purchase of the agricultural land mentioned in the preceding Article is not satisfied with the plan, he may make a complaint to the Agricultural Land Commission of a City, Town or Village, provided, however, this shall not apply where the period of time for inspection mentioned in para. 3 of the preceding Article has elapsed.

If the Agricultural Land Commission of a City, Town or Village receives the complaint mentioned in the preceding paragraph, it shall make a determination within twenty days from the day on which the period of time for in-

spection mentioned in para. 3 of the preceding Article has expired.

The applicant who is not satisfied with the determination mentioned in the preceding paragraph may file a petition with the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or a Prefecture, provided, however, this shall not apply where ten days have elapsed since the expiration of the period mentioned in the preceding paragraph.

If the Agricultural Land Commission of the Metropolis, Hokkaido a Special Prefecture or a Prefecture receives the petition mentioned in the preceding paragraph, it shall make a ruling within twenty days from the day on which the period of time mentioned in the latter part of the preceding paragraph has expired.

Article 8

If no complaint mentioned in para. 1 of the preceding Article has been made against the plan for the purchase of an agricultural land mentioned in Art. 6, within the period mentioned in paragraph 5 of the same article or, though such complaints have been made, the determination are made to all of them in accordance with the provisions of para. 2 of the said Article and any petition has not been filed within the period mentioned in the latter part of para. 3 of said Article or,

though the petition has been filed, the rulings are made to all of them in accordance with the provisions of para. 4 of that Article, the Agricultural Land Commission of a City, Town or Village shall obtain without delay the approval of the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or a Prefecture relating to such plan for the purchase of the agricultural land.

Article 9

The purchase mentioned in Art. 3 shall be effected by means of the delivery of the writ of purchase by the prefectural governor to the owner of the said agricultural land in compliance with the plan for the purchase of an agricultural land which has been approved in accordance with the provisions of the preceding Article, provided, however, that in cases where the owner of the said agricultural land is unknown or the writ cannot be delivered by other cause, the public notice of the matter mentioned in each item of para. 2 may be given in substitution for the delivery of writ in accordance with the provisions of order.

The writ shall contain the following matters:

1. Matters mentioned in each item of Art. 6 para. 5;
2. Method and time for payment of consideration;

3. Other necessary matters.

In cases where the prefectural governor delivers the writ or gives a public notice in accordance with the provisions of the latter part of para. 1, he shall notify to that effect without delay to a person having the preferential right, pledge or hypothec in the agricultural land which is the object of purchase at the time of the delivery of the writ or the public notice, provided, however, that in cases where a person having the preferential right, pledge or hypothec is unknown or the notification cannot be made by other cause, the public notice may be made in substitution for the notification in accordance with the provisions of order.

Article 10

In applying the provisions of Arts. 5 to 6 inclusive and the preceding Article, the area of an agricultural land shall be the area thereof which is registered on the land register; provided, however that in case the Agricultural Land Commission of a City, Town or Village deems it very unreasonable and fixes the other area in respect of such land, such area shall be depended upon with regard to the said agricultural land.

Article 11

The procedures taken or other acts done in accordance with the provisions of Arts. 3 to 9 inclusive

shall have effect as against the assignees of the owner of the agricultural land to be purchased or of the person having the preferential right, pledge or hypothec in such land in accordance with the provisions of Article 3.

Article 12

If the prefectural governor has taken the procedure mentioned in Art. 9 the government shall acquire the ownership of the said agricultural land and the rights in such agricultural land shall be extinct at the time of purchase stated on the writ or noticed publicly in accordance with the provisions of the latter part of para. 1, of the said Articles.

In cases where the leases, loan for use, emphyteusis, superficies or servitudes exist at the time of acquisition in the agricultural land acquired by the government in accordance with the provisions of the preceding paragraph, it shall be deemed that those rights be created on the same conditions as heretofore for the persons who are entitled to such right at the time of acquisition, provided, however, that the period during which these rights subsist shall be the remaining period of the previous rights.

In cases mentioned in the preceding paragraph, if the preferential right, pledge, or hypothec exists on the previous rights, the said preferential right, pledge, hypothec shall be deemed to con-

tinue on the rights which have been created in accordance with the preceding paragraph.

Article 13

In order to purchase the agricultural land in accordance with the provisions of Art. 3, the government shall pay the consideration thereof to a person who owns the said agricultural land at the time of purchase, provided, however, that in cases where the preferential right, pledge or hypothec exists in the said agricultural land the consideration thereof shall be deposited if the person who has the said right requests or the said person is unknown.

A person having the preferential right, pledge or hypothec in the said agricultural land may enforce his right against the consideration deposited in accordance with the provisions of the preceding paragraph.

The government will give subsidy to the owner of the agricultural land to be purchased in accordance with the provisions of Art. 3 according to the size of the land (if the said area exceeds the size prescribed in accordance with the provisions of Article 3, para. 1 item 3, para. 2 and para. 3, the subsidy shall be limited to that extent).

The amount of the said subsidy shall be determined by the competent Minister, making 220 Yen per tan-bu in the case of paddy

field and 130 Yen per tan-bu in the case of upland field as standard and taking the yield, location, and other conditions of the said land into consideration.

Article 14

A person, who is not satisfied with the consideration of the agricultural land purchased in accordance with the provisions of Art. 3 may bring an action in an ordinary court, provided, however, that this shall not apply where one month has elapsed from the day on which the writ was delivered or the public notice mentioned in the latter part of para. 1 of Art. 9 was given.

Article 15

If, in cases where a person who is to be the owner-farmer of the agricultural land purchased in accordance with the provisions of Art. 3 or a person having ownership or other right in such an agricultural land has made application to the government to buy the agricultural establishments, land or building mentioned below and the Agricultural Land Commission of a City, Town or Village recognizes such application to be reasonable the government shall purchase it.

1. The agricultural establishments necessary for the use of the said agricultural land to be purchased in accordance with the provisions of Art. 3.

2. The pasture in which a person who is to be owner-farmer of the agricultural land purchased in accordance with the provisions of Art. 3 possesses the right of lease, loan for use or emphyteusis, the building-lot in which such person is entitled to the right of lease, or of loan for use or superficies or the building in which he is entitled to lease.

The provisions of Art. 6, para. 1, 2 and 5 and Arts. 7 to 12 inclusive. Article 13, para. 1 and 2 and preceding Articles shall apply mutatis mutandis to cases mentioned in the preceding paragraph.

The consideration mentioned in Arts. 6, para. 2 which shall be applied mutatis mutandis to the preceding paragraph shall be determined on the basis of current-price.

The consideration mentioned in preceding paragraph shall be, in respect with meadow, determined in accordance with provisions of ordinance, taking the current price of similar land in vicinity into account, and, in respect with other than meadow, the said consideration shall be determined taking the current price thereof into account.

Article 16

The government may, in accordance with the provisions of order, sell the agricultural land purchased in accordance with the provisions of Art. 3 and other agri-

cultural land owned by the government as specified by order to the tenant-farmer engaging in cultivation at the time of purchase or other person as specified by order who is likely to devote himself to cultivation as owner-farmer.

If deemed specially necessary, the government may sell the agricultural land purchased in accordance with the provisions of Article 3 to the Agricultural Association of a City, Town or Village or other association as specified by order which is undertaking the work of the establishment of owner-farmers.

Article 17

A person mentioned in the preceding Article who intends to buy the agricultural land prescribed in the same article shall make application there-of to the Agricultural Land Commission of City, Town or Village.

Article 18

In order to effect the sale mentioned in Art. 16 the government shall follow the plan for the sale of the agricultural land set up by the Agricultural Land Commission of a City, Town or Village.

The agricultural land to be sold, the other party, time and consideration of the sale shall be provided in the plan for the sale of the agricultural land.

The other party of the sale mentioned in the preceding paragraph shall be a person who has made application thereof in accordance with the provisions of the preceding Article.

If the Agricultural Land Commission of City, Town or Village sets up the plan for selling the agricultural land, public notice thereof shall be given without delay and the document stating the following matters shall be submitted to public inspection at the city office or town or village office for ten days from the day on which public notice has been given.

1. Name and permanent residence of the other party of the sale.
2. The location, lot number, class and sale of the agricultural land to be sold.
3. Consideration.
4. Time of sale.

The provisions of Art. 8 shall apply mutatis mutadis to the plan of the sale of the agricultural land.

Article 19

If a person who has made application in accordance with the provisions of Art. 17 is not satisfied with the plan mentioned in the preceding Article, he may make complaint to the Agricultural Land

Commission of City, Town or Village, provided, however, this shall not apply where the period for inspection mentioned in para. 4 of the said Article has expired.

The provisions of Art. 7 paras. 2 to 4 inclusive shall apply mutatis mutandis to the cases mentioned in the preceding paragraph. In this case "para. 5 of the preceding Article" in Art. 7 para. 2 shall read "para. 4 of Article 18".

Article 20

The sale mentioned in Art. 16 shall be effected by means of the delivery of written notice of sale by the prefectural governor to the other party of the sale in compliance with the plan which has been approved in accordance with the provisions of Art. 8 which shall be applied mutatis mutandis under Art. 18, para. 5.

The written notice shall contain the following matters:

1. Matters mentioned in Art. 18; para. 4.
2. Method and time for payment of consideration.
3. Other necessary matters.

Article 21

If the written notice mentioned in the preceding Article has been delivered, the other party of the sale stated in such written notice shall acquire the ownership of the said agricultural land at time of sale stated in the written notice.

The provisions of Art. 14 shall be applied mutatis mutandis to the consideration of the agricultural land which has been acquired in accordance with the provisions of the preceding paragraph.

Article 22

In cases where the right which has been created in accordance with the provisions of Art. 12, para. 2 exists in the agricultural land sold in accordance with the provisions of Art. 16, if a person having such right is not the purchaser of the said agricultural land, the said right shall be extinct at the time of the sale of the said agricultural land. (in case of the servitudes, this shall apply to only those servitudes which the Agricultural Land Commission of a City, Town or Village recognizes to be prejudicial to the cultivation of the said agricultural land).

The government shall make compensation for the loss accrued from the extinction of the right to the person who has the right which shall be extinct in accordance with the provisions of the preceding paragraph, provided, however, that this shall not be applied to the case where he has acquired the right which has become extinct in accordance with the provisions of Art. 12, para. 1 after the public notice mentioned in Art. 6, para. 5 has been given.

The loss to be compensated in accordance with the provisions of

the preceding paragraph shall be the loss arisen normally from the extinction of the right mentioned in paragraph 1.

The Agricultural Land Commission of a City, Town or Village shall determine the amount of compensation mentioned in paragraph 2 with the approval of the prefectural governor.

If the Agricultural Land Commission of a City, Town or Village determines the amount of compensation mentioned in the preceding paragraph, it shall notify such amount without delay to a person to whom the compensation is to be made in accordance with the provisions of para. 2 of this Article.

A person, who is not satisfied with the decision of the amount of compensation mentioned in para. 4, may bring an action in an ordinary court, provided, however, this shall not apply where twenty-days have elapsed from the day on which the notification mentioned in the preceding paragraph was given.

The provisions of Art. 13, paras. 1 and 2 shall apply mutatis mutandis to cases where the preferential right, pledge, hypothec exists on the right which has become extinct in accordance with the provisions of para. 1 of this Article.

Article 23

In cases where the government sells the agricultural land in ac-

cordance with the provisions of Art. 16, if there is special necessity to effect the reasonable establishment of owner-farmer, the Agricultural Land Commission of a City, Town or Village may indicate the necessary matters to the owner of the tenant-farmer land in respect of the exchange of the said agricultural land for the tenant-farmer land purchased by the government bearing a close resemblance to the said land in its class, area and rank etc.

The indication mentioned in the preceding paragraph shall be effected to the owner of the said tenant-farmer land, determining the location, lot number, class and area of the agricultural lands acquired by him and the government at the result of the said exchange.

A person who has been indicated in accordance with the provisions of para. 1 shall negotiate with the Agricultural Land Commission of a City, Town or Village with regard to such exchange within ten days from the day on which indication was given.

If no agreement has been arrived at or no negotiation can be made in cases mentioned in the preceding paragraph the Agricultural Land Commission of a City, Town or Village shall apply for a ruling by the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture and Prefecture.

If the ruling is made in accordance with the provision of the preceding paragraph, it shall be deemed that the contract of exchange is made according to the provisions of such ruling.

Article 24

The exchange mentioned in the preceding Article shall have the effect of transferring ownership on the day fixed in the negotiation mentioned in para. 3 of the said Article or in the ruling mentioned in para. 4 of that Article. The preferential right, pledge or hypothec which has existed in the said tenant-farmer land at the time of transfer of ownership mentioned in the preceding Article shall exist in the agricultural land which the owner of the said tenant-farmer land has acquired as a result of exchange.

Article 25

In cases where the government sells the agricultural land in accordance with the provisions of Art. 16, if there is special necessity to effect the reasonable establishment of owner-farmer, the Agricultural Land Commission of a City, Town or Village may indicate the necessary matters to a person having lease or emphyteusis in the agricultural land to be sold by the government and a person having lease or emphyteusis in the agricultural land bearing a close resemblance to the said land in its class, area, rank etc. which

has not been purchased by the government, in respect of the exchange of lease or emphyteusis owned by them.

The indication mentioned in the preceding paragraph shall be effected, by determining the location, lot number, class and size of the agricultural land in which the lease or emphyteusis to be transferred as a result of the exchange exists.

The transfer of the lease or emphyteusis in the exchange mentioned in the para. 1 may be effected notwithstanding the provisions of the proviso of Art. 272 and Art. 612 of the Civil Code.

In cases where the Agricultural Land Commission of a City, Town or Village has made the indication mentioned in para. 1, it shall notify to that effect without delay to the owner of the agricultural land and the lessor who is not the owner of the said agricultural land to which such indication has been made.

In case a person who has been notified in accordance with the provisions of the preceding paragraph is not satisfied with the indication mentioned in para. 1, such person may make complaint to the Agricultural Land Commission of a City, Town or Village; provided, however, this shall not apply where ten days have elapsed from the day on which the notification mentioned in the preceding paragraph was given.

The provisions of Art. 23, Paras. 3 to 5 inclusive and the preceding Article shall apply mutatis mutandis to the exchange mentioned in para. 1; provided however, that in this case 'negotiate with the Agricultural Land Commission of a City, Town or Village in Art. 23, para. 3 shall read "negotiate" and in para. 4 of the same Article "the Agricultural Land Commission of a City, Town or Village—a ruling in the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture and Prefecture shall read "a person who has been indicated in accordance with the provisions of Para. 1—a ruling by the Agricultural Land Commission of a City, Town or Village."

Article 26

The consideration of the Agricultural Land which has been sold in accordance with the provision of Art. 16 shall be paid by the method of annual instalment with interest of 3.2% per year within the period of thirty years (including the period which it is left unredeemed); provided, however, that in case a person who has purchased the said Agricultural Land applies for, the whole or a part of its consideration may be paid at a time.

Article 27

In case the total amount of such annual instalment of the consideration of the Agricultural

Land which has been sold in accordance with the provisions of Art. 16 if the payment of the consideration were to be made by such method as determined by order and taxes and other financial obligation on such land exceeds the fixed ratio of the amount of its ordinary field, the Government shall reduce or exempt the annual instalment, or postpone the payment thereof or take such other measure as may be necessary to lighten the charge on the owners respectively in regard to the payment of consideration.

The fixed ratio referred in the preceding paragraph shall be determined by the Central Agricultural Land Commission; provided however, that it shall not exceed one-third.

In addition to the matter provided for in the preceding paragraph such matters as may be necessary for the extension of the provisions of Para. 1 shall be provided by order.

Article 28

If a person to whom the Agricultural Land has been sold in accordance with the provision of Art. 16 or his successor intends to give up to cultivate himself on the said Agricultural Ground the Government shall, in accordance with the provisions of order propose to such person that the said Agricultural Land shall be purchased by the Government.

In case such proposal is made by the Government as contemplated in the preceding paragraph, the transfer of the said Agricultural Land shall be effected at the time of such proposal by such terms as determined in the said proposal. The provisions of Art. 6, Para. 3 shall apply mutatis mutandis to the consideration of the said Agricultural Land in this case.

Article 29

In case a person as specified by order to whom the Agricultural Land has been sold in accordance with the provisions of Art. 16 intends to purchase such Agricultural equipments, lands or buildings as were purchased by the government in accordance with the provisions of Art. 15 he shall apply to that effect to the Agricultural Land Commission of a City, Town or Village.

The provisions of Art. 16 and Arts. 18 to 22 inclusive, Art. 26 and the preceding Article shall apply mutatis mutandis to the transfer of the Agricultural establishments, lands or buildings which has been purchased by the Government in accordance with the provisions of Art. 15. In this case, "the preceding Article" in Art. 18, Para. 3 and "Article 17" in Art. 19 Para. 1 shall read "Art. 29, Para. 1."

Article 30

If it is deemed necessary for establishing the owner-farmer, the

government, may purchase the following:

1. Lands other than agricultural land which are to be cultivated into agricultural land.
2. Rights other than ownership or the right of security regarding to the land owned by the government which is to be cultivated into agricultural land.
3. Lands adjacent to the land mentioned in items 1 or 2 which are deemed suitable to be cultivated, together with the said land.
4. Trees, buildings or other structures on the land mentioned in items 1 or 2.
5. Right of fishery.
6. Right concerning the use of water.
7. Lands, building or other structures necessary for the use of the land mentioned in the items 1 or 2 after the said land has been cultivated into agricultural land.

The government may use the things mentioned in items 6 and 7 of the preceding paragraph.

Article 31

In order to purchase or use such things as prescribed in the preceding Article, the government shall follow the plan for the purchase of uncultivated land which has been set up by the Agricultural

Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture in accordance with the provisions of order.

In the plan for the purchase of uncultivated land mentioned in the preceding paragraph, there shall be determined the land, right, tree, building or other structure to be purchased or used, the time of purchase or the time and the period of use and the consideration.

In case where the consideration in the preceding paragraph is to be determined, the provisions of article 6, para. 3 shall apply mutatis mutandis in respect to the agricultural land, and in respect to land other than agricultural land, the current price thereof shall be the standard. In this case "the Agricultural Land Commission of City, Town or Village" in the said paragraph shall read "the Agricultural Land Commission of the Metropolis, Hokkaido Special Prefecture or Prefectures."

In cases where the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or Prefecture sets up the plan for the purchase of uncultivated land, the public notification to that effect shall be made without delay and the document stating the following matters shall be subject to public inspection for fourteen days from the date of such notification, at the city office or

the town or village office of the locality in which the land or other things to be purchased or used in accordance with the provisions of the preceding Article is situated.

1. Name and permanent residence of the owner of lands, rights, trees or structures to be purchased or used.

2. Location, lot number, class and size of the land; kind in the case of right; kind, quantity and location in the case of trees; or kind and location in the case of the structure which are respectively to be purchased or used.

3. Consideration.

4. Time of the purchase or time and period of the use.

The provisions of Articles 7 and 8 shall apply mutatis mutandis to the plan for the purchase of uncultivated land. In this case "The Agricultural Land Commission of a City, Town or Village" shall read "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture" and "the Agricultural Land Commission of the Metropolis, Special Prefecture or Prefecture" shall read "the prefectural governor," and "para. 5 of the preceding Article" in Art. 7, paras. 1 and 2 and in Art. 8 shall read "para. 4 of Art. 31" and "approval" (shonin) in Art. 8 shall read "a sanction" (Ninka).

Article 32

If it is deemed necessary to set up the plan for the purchase of uncultivated land in accordance with the provision of the preceding Article, the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture may cause the member of the commission or person engaging in the affairs thereof enter into, survey or inspect the land owned by other person, or transfer or remove the things which are the obstacles to such survey or inspection, but the damage sustained as the result of such measure shall be compensated.

In cases where there exists necessity for the purchase or use by the government as prescribed in Article 30, the provisions of the preceding paragraph shall apply mutatis mutandis. In this case "the member of commissioner or a person engaging in the affairs thereof" shall read "the said officials."

Article 33

The government may cause the owner or possessor of the article which exists in the land or structure purchased or used in accordance with the provisions of Art. 30 take away the said article.

In the case mentioned in the preceding paragraph, if the said article may not be used for the purpose hitherto used as the result of its being taken away, the

owner of the said article may demand to the government to purchase the said article in accordance with the provisions of order.

The prefectural governor shall determine the consideration of purchase as prescribed in the preceding paragraph on the base of the current-price.

The provisions of Arts. 9, 11, 12, para. 1, Art. 13, paras. 1 and 2, Art. 14 shall apply mutatis mutandis to the purchase as prescribed in para. 2. In these cases "each item of Art. 6, para. 5" in item 1 Art. 9, para. 2 shall read "each item of Art. 31, para. 4."

Article 34

The provisions of Arts. 9 to 11 inclusive, Art. 12, para. 1, Art. 13, paras. 1 and 2, and Art. 14 shall apply mutatis mutandis to the purchase or use as prescribed in Article 30. In this case "each item of Art. 6, para. 5" in item 1 of Art. 9 para. 2 shall read "each item of Art. 31, para. 4" and "the Agricultural Land Commissioner of City, Town or Village" in Art. 10 shall read "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture," except in the case where the said purchase is in accordance with provisions Art. 38.

Article 35

In cases where the government uses the right, land, trees or struc-

ture in accordance with the provisions of Art. 30, para. 2, the government shall acquire the right of use of the said right, land, tree, or structure at the time of use as stated on the writ mentioned in Art. 9, para. 1 which shall be applied mutatis mutandis under the preceding Article or at the time of use as notified publicly in accordance with the proviso to the said paragraph, and the exercise of the right over the said right, land, tree, or structure shall be suspended during the period of use; provided, however, that one which shall not be an obstacle to the use shall be treated otherwise.

Article 36

In cases where the use of right, land, tree or structure as prescribed in Art. 30, para. 2 is extended over more than three years or in case it has become very difficult to use the said right, land, tree or structure for the purpose hitherto used as the result of its use, a person having the said right or owner of the said land, tree or structure may, in accordance with the provisions of order, demand to the Government to purchase the said right, land, tree or structure.

The consideration for the purchase mentioned in the preceding paragraph shall be determined by the prefectural governor. To the case mentioned in the first paragraph, the first part of the pro-

visions of Art. 31, para. 3 and Art. 33 para. 4 shall apply mutatis mutandis. "The city, town or village commission, with approval of the prefectural governor" in Art. 6, Para. 3 which shall be applied mutatis mutandis in this case shall read "prefectural governor".

Article 37

If it is deemed specially necessary, in cases where the government purchase the land in accordance with the provisions of Art. 30, the government may purchase or use other land (including the trees on such land) necessary in order to sell or lease as a substitute land to a person having ownership, lease, loan for use, emphyteusis, superficies or iriakken in the said land at the time of such purchase.

The provisions of Article 31 to the preceding Article inclusive shall apply mutatis mutandis to cases mentioned in the preceding paragraph.

Article 38

If, in cases where the government purchases the land mentioned in item 1 of Art. 30, para. 1 in accordance with the provisions of Art. 30, para. 1, the area of the said land does not exceed the area fixed by the competent Minister, the government may make purchase as prescribed in Paragraph 1 of Article 30, according to the

plan for the purchase of uncultivated land set up by the Agricultural Land Commission of a City, Town or Village, irrespective of the provisions of Article 31, para. 1.

The provisions of Arts. 7, and 8, Art. 31, para. 2, the former part of para. 3, and para. 4 of Article 31 respectively and Art. 32, para. 1, shall apply mutatis mutandis to cases mentioned in the preceding paragraph. In this case "para. 5 of the preceding Article" in Art. 7 para. 1 and 2 and "para. 5 of the same Article" in Art. 8 shall read "para. 4 of Art. 31" and "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture, Prefecture" in Art. 31, para. 4 and Art. 32 para. 1 shall read "the Agricultural Land Commission of a City, Town or Village."

Article 39

The government shall make compensation for the damages sustained by the act mentioned in Article 32, para. 1 (including cases which shall be applied mutatis mutandis under Para. 2 of the same Article, para. 2 of Article 37 and para. 2 of the preceding Article), by the act of removal mentioned in Article 33, para. 1 (including cases which shall be applied mutatis mutandis under para. 2 of Article 37) by the extinction of right by virtue of the provisions of Article 12, para. 1

which shall be applied mutatis mutandis under Article 33, para. 4 (including the cases which shall be applied mutatis mutandis under Article 36, para. 2) or Article 34 (including cases which shall be applied mutatis mutandis under para. 2 of Article 37) or by the suspension of exercise of right by virtue of the provisions of Article 35 (including cases which shall be applied mutatis mutandis under para. 2 of Article 37).

Except the cases of compensation to the act as mentioned in Article 32, para. 1 (including the cases which shall be applied mutatis mutandis under Para. 2 of the same Article, para. 2 of Article 37, para. 2 of the preceding Article) a person who is entitled to compensation by virtue of the provisions of the preceding paragraph, shall be a person who has the ownership or rights other than right of security in respect of the said land, right, tree, structure or article in the cases of the purchase or use as prescribed in Article 30 or Article 37, or of the purchase as presented in Article 33, Para. 2 or Article 36, para. 1 and be a person who has the right other than right of security in respect of the case of removal by virtue of the provisions of Article 33, para. 1 (including the cases which shall be applied mutatis mutandis under para. 2 of Article 37); provided, however, that this shall not apply to such

person who has acquired such right after the public notification as prescribed in Article 31, para. 4 (including the case which shall be applied mutatis mutandis under Art. 37, para. 2 and para. 2 of the preceding paragraph) was made.

The provisions of Article 22, paras. 3 to 7 inclusive shall apply mutatis mutandis to the amount of compensation mentioned in para. 13; in this case "the Agricultural Land Commission of a City, Town or Village" shall read "the prefectural governor" in respect to the compensation of the act as prescribed in Article 32, para. 1 which shall be applied mutatis mutandis under para. 2 of the same Article (including the cases which shall be applied mutatis mutandis under para. 2 of Article 37) and of the removal as prescribed in Article 33, para. 1 (including the cases which shall be applied mutatis mutandis under para. 2 of Article 37) or of the purchase by virtue of the provisions of Article 33, para. 2 or Article 36, para. 1, (including the case which shall be applied mutatis mutandis under Article 37, para. 1); shall read "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture in respect to the other compensation, except the compensation of purchase as prescribed in the preceding Article.

Article 40

The provisions of restriction or prohibition as specified by order under the other laws and ordinances shall not apply to the development of the land purchased by the government in accordance with the provisions of Article 30 or of the land mentioned in item 2 of para. 1 of the same Article.

Article 41

The government may sell or lease to a person who is likely to devote himself to cultivation as a owner farmer or other person as specified by order, the land, (including the land mentioned in items 2 of Article 30, para. 1) right, tree or structure purchased in accordance with the provisions of Article 30, para. 1 or the right, land, tree, or structure used in accordance with the provisions of Art. 30 para. 2.

The provisions of Arts. 17, 18, 20, 21 and 26 shall apply mutatis mutandis to the transfer or lease as prescribed in the preceding paragraph. In this case, in respect to the transfer or lease of land, right, tree or structure purchased or used according to the plan for the purchase of uncultivated land as prescribed in Article 31, "the Agricultural Land Commission of a City, Town or Village" in Art. 17 and Art. 18, Para. 1 and 4 and Art. 8 which shall be applied mutatis mutandis.

under Article 18, para. 5 shall read "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture" and "the approval of the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture" in Art. 8 which shall be applied mutatis mutandis under Article 18, para. 5 shall read the "Sanction of the prefectural governor."

In cases where the land mentioned in items 1 to 3 inclusive of Art. 30, para. 1 is sold in accordance with the provisions of para. 1, the provisions of Arts. 27 and 28 shall apply mutatis mutandis in addition to the provisions which shall be applied under preceding paragraph.

Article 42

After the public notification as mentioned in Art. 6, para. 5 (including the cases which shall be applied mutatis mutandis under Art. 15, para. 2) or Art. 31, para. 4 (including the cases which shall be applied mutatis mutandis under Art. 37, para. 2), a person who has the right relating to the lands, agricultural establishments, structures or trees provided in the said plan of purchase, shall not, except the case where there exists no cause of apprehensions that the purchase or use might be prejudiced, alter the appearance or quality of such land or destroy or remove any of the said agricultural establishments, struc-

tures and trees, without obtaining the permission of the prefectural governor.

Article 43

The consideration of the land, agricultural establishment, structure, right, tree, or other property purchased or used in accordance with any of the provisions of Arts. 3, 15, 30, 33, para. 2 Arts. 36, and 37, the subsidy as prescribed in Art. 13 para. 3 and the compensation as prescribed in any of Art. 22, para. 2 and Art. 39, para. 1 may be paid by means of the bond to be redeemed within thirty years.

In order to make the payment thereof in such manner as is prescribed in the preceding paragraph, the government may issue the bond to the extent of necessary amount.

The Minister of Finance shall determine the delivery-price of the bond to be given in accordance with the preceding two paragraphs, taking the current-price thereof in consideration.

Such matters as may be necessary in respect to the bond mentioned in para. 2 shall be provided by orders.

Article 44

In the cases of purchase as prescribed in any of Arts. 3, 15, 30, para. 1, 33, para. 2, Arts. 36 and 37; of transfer or lease as pre-

scribed in Arts. 16 (including the cases which shall be applied mutatis mutandis under Art. 29, para. 2) or Article 41; of exchange as prescribed in Arts. 23 or 25; or of purchase as prescribed in Art. 28, para. 1 (including cases which shall be applied mutatis mutandis under Art. 41, para. 3) the registration thereof shall be effected in accordance with the provisions of an Imperial Ordinance.

Article 45

If it is deemed necessary, the competent Minister or the prefectural governor may demand necessary reports relevant to an agricultural land, or other land or property.

Article 46

A part of the jurisdictional powers of the competent Minister concerning the administration of the land, right, tree, structure or other property purchased or used by the government in accordance with the provisions of any of Arts. 3, 15, 30, 33, para. 2, 36 and 37 may be exercised by the headman of a City, Town or Village, the Agricultural Land Commission of a City, Town or Village or such other person or organization as specified by order, in accordance with the provision of order.

Article 47

If it is deemed specially necessary for the establishment of

owner-farmers, the competent Minister or the prefectural governor may cause the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture to make disposition of matters which come within the limit of the jurisdictional powers of the Agricultural Land Commission of a City, Town or Village under the present Law.

In the cases mentioned in the preceding paragraph, the prefectural governor shall, in respect to matters which come within the jurisdiction of the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture in accordance with the provisions of the same paragraph, make the disposition of matters which come under the present Law, within the limit of the jurisdictional powers of the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture and the complaint to be made to, or petition to be filed with, the Agricultural Land Commission of a City, Town or Village or of Metropolis, Hokkaido, Special Prefecture or Prefecture under this Law shall be made in the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture or prefectural governor respectively.

If it is deemed specially necessary for the establishment of owner farmer, the competent Minister may cause the prefectural gover-

or the Central Agricultural Land Commission, to make disposition of matters which come, under the present Law within the limit of the jurisdictional powers of the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture.

In cases mentioned in the preceding paragraph the competent Minister shall, in respect of matters which come within the jurisdiction of the prefectural governor or the Central Agricultural Land Commission in accordance with the provision of the said paragraph, make disposition of matters, which come, under the present Law, within the limit of the jurisdictional powers of the prefectural governor, and the complaint to be made to the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture shall be made to the prefectural governor, the Central Agricultural Commission and the petition to be filed with the prefectural governor shall be filed with the competent Minister.

Article 48

Provisions concerning the Agricultural Land Commission of a City, Town or Village under this Law shall apply to the Divisional Agricultural Land Commission in a city, town or village where such divisional Agricultural Land Commission exists. In this case, "the administrative limit of a city,

town or village" in Article 3 para. 1, shall read "the administrative extent of the Divisional Agricultural Land Commission" and in item 4 of the same paragraph "administrative limit of a city, town or village adjacent thereto or other area within the administrative extent of a city, town or village adjacent thereto or other area within the administrative extent of the Divisional Agricultural Land Commission, adjacent to the said area."

Article 49

In a city, town or village where the city, town or village association who deals jointly the whole of the work of the towns or villages or the task of the offices, exists, the provisions concerning town or village of the headman thereof under the law shall apply to the said association or the manager thereof and in a locality where the Town and Village Law is not applied, the said provisions shall be applied to those persons corresponding to those referred above.

In "ward" (Ku) of Tokyo Metropolis, Kyoto City, Osaka City, and Yokohama City, Nagoya City, and Kobe City, the provisions concerning the city or mayor shall be applied to ward or to the chief of the ward as designated by the prefectural governor.

Article 50

Any person who falls under any of the categories mentioned in the

following items shall be liable to imprisonment with hard labor not exceeding six months or a fine not exceeding five hundred yen.

1. Any person who refuses, obstructs or evades a survey, inspection, transfer or removal by an official in charge as prescribed in Art. 32, para. 2 which is applicable with the necessary modifications under Art. 32, para. 2, (including the cases which shall be applied mutatis mutandis under Art. 37, para. 2).

2. Any person who contravenes the provisions of Art. 42.

3. Any person who, in violation of the provisions of Art. 45, fails to make a report or makes a false report.

Article 51

Where a representative of a juridical person, or an agent, an employee of juridical persons or a person or any other person be-

ing employed by such juridical persons or a person acts in violation of the provisions of item 2 or item 3 of the preceding Article with respect to the business of the said juridical person or said person, such juridical person or person shall, in addition to the punishment which shall be inflicted on the person who acts, be liable to a fine as provided for in the same Article.

Supplementary Provision

The date of the enforcement of the present Law shall be fixed by Imperial ordinance.

The date of the enforcement of agricultural land as prescribed in Art. 3, para. 1, in case the Agricultural Land Commission of a City, Town or Village deems it suitable, the plan for the purchase of the agricultural land shall, as prescribed in Article 6, be set up according to the facts as exists on November 23, 1945.

cb
Held
December 27, 1946

Dear General:

As you are aware, the Japanese Government, under considerable prodding from the Supreme Commander, has started an extensive program of reform in land tenure and conditions affecting the farming population. As this program is important to the achievement of our objectives in Japan, it appears most desirable that SCAP Headquarters give it all possible supervision and assistance.

The Department of State believes that a small but strong mission of agricultural specialists would be able to lend SCAP substantial support during the early stages of the reform program. I understand that this matter was raised with SCAP a few months ago and that he approved the idea of an agricultural mission provided its members remain not less than six months (CM-IN 1744, 11 July, 1946). In a teletype conference between Washington and Tokyo on October 10, the Natural Resources Section of SCAP Headquarters expressed interest in obtaining personnel to supervise the agrarian reform plans. The six months' requirement seems to us reasonable in view of the complexity of the situation.

It is the opinion of this Department that the proposed mission should include:

- (a) Two specialists in general agricultural economics to deal with problems of tenure and tenancy;
- (b) One specialist in agricultural finance to assist in the re-organization of credit institutions and to advise on tax problems;
- (c) One specialist in agricultural organizational problems to aid in the expansion and democratization of rural co-operatives and other farm groups.

Since one of the principal purposes of the mission would be to encourage and assist the Japanese in introducing these institutions

Major General Daniel Noce,
Chief, Civil Affairs Division,
War Department.

AH:HGSTOUT:DMD

Held

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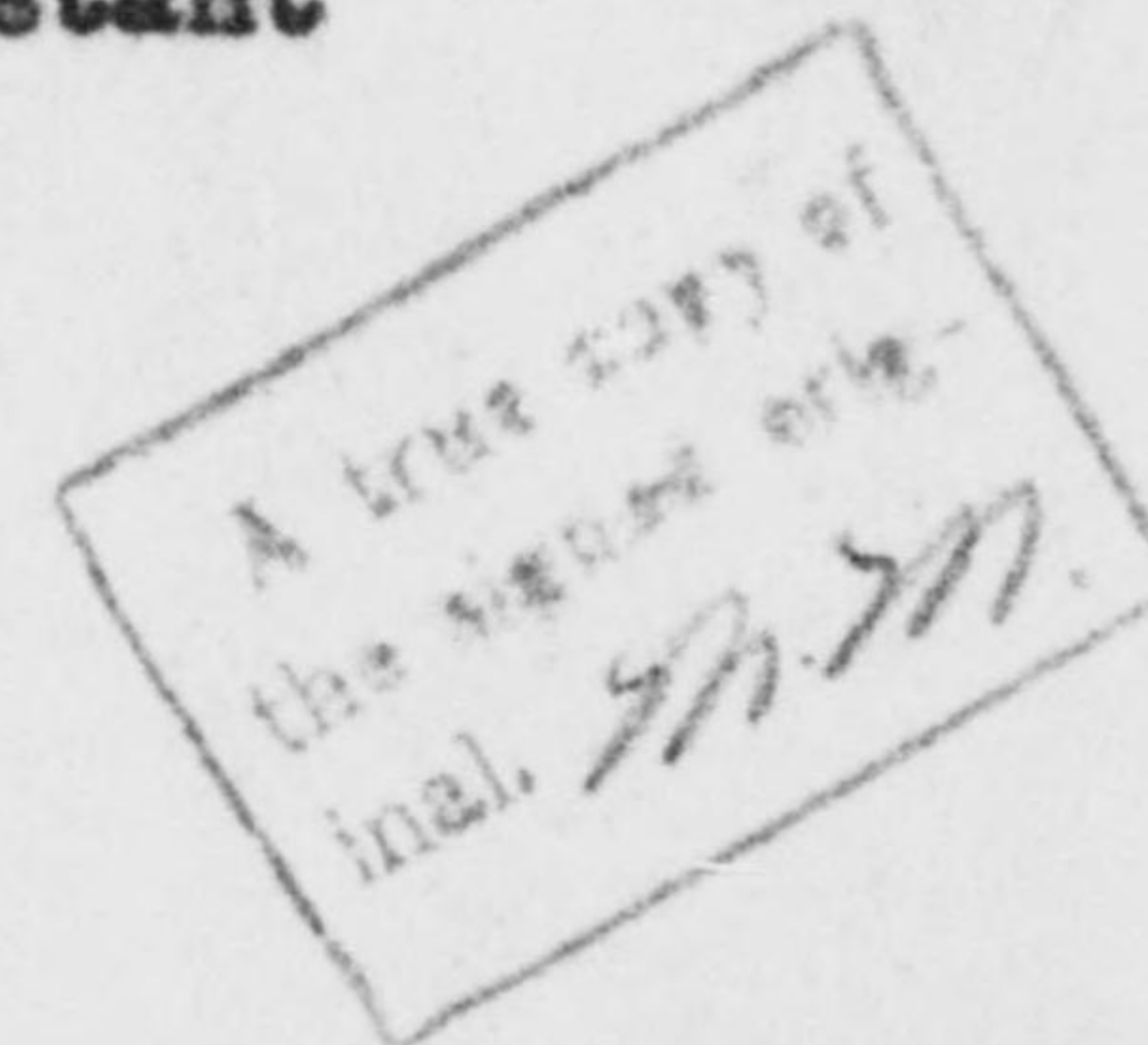
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and practices considered liberal and progressive in western countries, it is our view that the War Department could very properly include this mission in its reorientation program. We are all familiar with the baneful effects that the political and cultural backwardness of rural Japan has had upon that country's own history and thus upon the world. Our aims in Japan will not be achieved unless we bring some democratic spirit into the institutions and life of the rural population.

If the War Department agrees that a project of the kind described above falls appropriately within the reorientation program, I can assure you that the Department of State will cooperate in helping you to find well qualified personnel for the mission. I understand that the general outlines of the project have been discussed informally by officers of this Department with Dr. d'Arms, Mr. Pollard and other individuals in the Civil Affairs Division.

Sincerely yours,

(signed) Ernest A. Gross
Ernest A. Gross
Special Assistant



INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

(1) *Mr. Lell*
(2) *J.K.*

DIVISION OF JAPANESE AND KOREAN
ECONOMIC AFFAIRS
DEPARTMENT OF STATE



H.O.
DC/R file

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FROM

LONDON

DATED January 28, 1947

RECD

Feb 4, 1947
2:29 PM

Secretary of State

washington

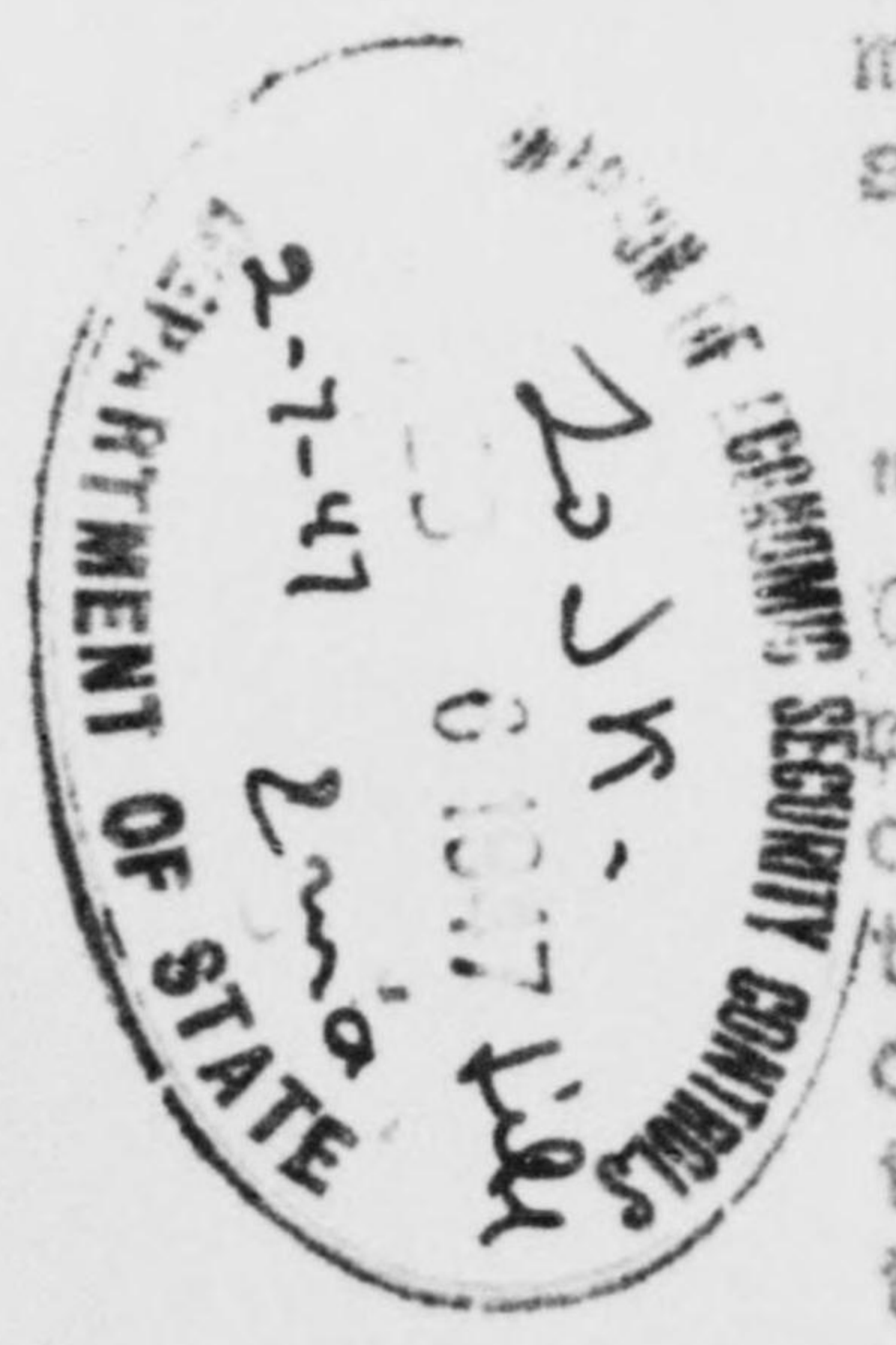
A-165, January 28, 1947

Following question and answer in regard to rural land reform in Japan took place in House of Commons on January 27, 1947:

Wm
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Mr. Rees-Williams (Labor M.P. for Croydon) asked the Secretary of State for Foreign Affairs, in view of the fact that the first proposals of the Japanese Government in relation to rural land reform would mean that less than 30 per cent of the land at present held by landowners and worked by tenants would be transferred to tenant ownership and that even this transfer would involve a difficult and expensive process for the tenants, what proposals he is making to the Allied Council for Japan to ensure that a more satisfactory system is put into operation.

Mr. McNeill (Minister of State for Foreign Affairs): "The first proposals for land reform made by the Japanese Government are now superseded by the Law for the Establishment of Owner Farmers, which was passed by the Japanese Diet on 11th October, 1946. It is estimated that by this law tenant-farmers will come into possession of at least 60 per cent of the land in Japan. The procedure laid down for the transfer and sale of land appears to be favorable to the tenants. My right hon. Friend is not, therefore, making any proposals to the Allied Council on this subject."



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894.52/1-2847

HH

Encl 4

KANPO, 28 December 1946, Number 5988, (Saturday).

I hereby promulgate approval of the Imperial Ordinance which determines the effective date of the Special Measure for Establishment of Owner-Farmers.

Imperial Seal

27 December 1946

Prime Minister
Justice Minister
Home Minister
Forestry and Agriculture Minister
Finance Minister

YOSHIDA, Shigeru
KIMURA, Tokutaro
OMURA, Seiichi
WADA, Hiroo
ISHIBASHI, Tanzan

Imperial Ordinance Number 620:

The Special Measure for the Establishment of Owner-Farmers will become effective as of 29 December 1946.

* * *

I hereby promulgate approval of the order to carry out the Special Measure for Establishment of Independent Farmers.

Imperial Seal

27 December 1946

Prime Minister
Home Minister
Forestry and Agriculture Minister
Finance Minister

YOSHIDA, Shigeru
OMURA, Seiichi
WADA, Hiroo
ISHIBASHI, Tanzan

Imperial Ordinance Number 621:

Order to Carry Out the
Special Measure for the Establishment of Owner-Farmers.

ARTICLE ONE. The exceptions to Article Two, Paragraph Three of the Special Measure for the Establishment of Owner-Farmers shall be the following:

- A. Illness
- B. School attendance
- C. Those drafted for military service prior to 15 August 1945.
- D. Those persons who were elected to public office who

are regarded indispensable for the moment by Shi-Cho-Son Agricultural Land Board and whose decision is approved by the To-Do-Fu-Ken Agricultural Land Board.

ARTICLE TWO. The Shi-Cho-Son Agricultural Land Board, when carrying out the specifications designated in Article Three, Paragraph One, Item One of the Special Measure for the Establishment of Owner-Farmers, shall secure the consent of the Shi-Cho-Son Agricultural Land Board established in the neighboring Shi-Cho-Son, and shall express approval to the To-Do-Fu-Ken Agricultural Land Board before the date designated by the local governor.

ARTICLE THREE. The farmlands designated in Article Three, Paragraph Four of the Special Measure for the Establishment of Owner-Farmers shall be as follows:

A. Farmland whose yield is highly unpredictable, such as newly reclaimed land, scorched fields, and transformed plots of land.

B. Land whose proximity to metal mines and coal mines endangers its usage for farming.

C. In addition to the two types of land mentioned above, those lands designated by the Agriculture and Forestry Minister.

ARTICLE FOUR. The authorization provided for in Article Three, Paragraph Five of the Special Measure for the Establishment of Owner-Farmers shall be exercised by Shi-Cho-Son Agricultural Land Board of the To-Do-Fu-Ken Agricultural Land Board in matters concerning land mentioned in Item One to Five in the same Paragraph: and by the Shi-Cho-Son Agricultural Land Board in matters concerning land mentioned in Item Six of the same paragraph.

ARTICLE FIVE. With regards to Items One or Two of Article Three, Paragraph Five of the Special Measure for the Establishment of Owner-Farmers, when either of the following items apply to an independent farmer or to a corporation, their continued cultivation activity is justifiable.

A. With regard to independent cultivation, when the operator exerts his utmost individual effort to attain the most efficient cultivation of the land or when a decrease in productivity is considered inevitable in cases where the land concerned is subdivided.

B. With regard to corporations and other bodies, when a

decrease in productivity is considered inevitable in cases where the land concerned is subdivided or when the cultivation of the land is considered indispensable for the continued operation of its main occupation.

ARTICLE SIX. Those groups designated in Article Five, Item Two of the Special Measure for the Establishment of Owner-Farmers shall be bodies organized by Buraku, industrial associations, silk-worm reeling associations, and other bodies organized by cultivators and shall be designated by the regional chief.

ARTICLE SEVEN. Matters decided by Article Five, Item Six of the Special Measure for the Establishment of Independent Farmers shall be as follows:

- A. School attendance.
- B. Those drafted for military service prior to 15 August 1945.
- C. Those persons who were elected to public office and who are regarded indispensable for the moment by Shi-Cho-Son Agricultural Land Board and whose decision is approved by To-Do-Fu-Ken Agricultural Land Board.

ARTICLE EIGHT. The farmland designated in Article Five, Item Seven of the Special Measure for the Establishment of Owner-Farmers shall be as follows:

- A. Farmland which can be subdivided.
- B. Land whose proximity to metal mines and coal mines endangers its usage for farming.
- C. In addition to the two types of land designated above, those lands designated by the Agriculture and Forestry Minister.

ARTICLE NINE. The Shi-Cho-Son Agricultural Land Board or the To-Do-Fu-Ken Agricultural Board shall determine the price of farmland which has not been evaluated in accordance with the Land Tax Law by relying on Article Six, Item Three of the Special Measure for the Establishment of Owner-Farmers (Article Twenty Eight, Paragraph Two; Article Thirty One, Paragraph Three; Article Thirty Six, Paragraph Three; Article Thirty Seven, Paragraph Two; Article Thirty Eight, Paragraph Two and Article Forty One, Paragraph Three shall also be included) or when evaluating farmland in accordance with the same paragraph, the price set on it shall not exceed the current value of a

like land in the vicinity.

ARTICLE TEN. When the regional chief approves the valuation set by the Shi-Cho-Son Agricultural Board in accordance with Article Six, Paragraph Three of the Special Measure for the Establishment of Owner-Farmers (including Article Twenty-Eight, Paragraph Two; Article Thirty-Eight, Paragraph Two; and Article Forty-One, Paragraph Three of the same law) he must first listen to the opinion of the To-Do-Fu-Ken Agricultural Land Board.

ARTICLE ELEVEN. When the Shi-Cho-Son Agricultural Committee places value on agricultural installations, residences and constructions, which it intends to purchase in accordance with Article Fifteen, Paragraph One of the Special Measure for the Establishment of the Owner-Farmer it must rely on the rules established by the Central Agricultural Board.

A valuation placed on pastureland in accordance with Article Fifteen, Paragraph Three of the Special Measure for the Establishment of Independent Farmers shall not exceed the amount determined by the Central Agricultural Committee which evaluated the land to approximate the current value of a like land in the neighborhood.

ARTICLE TWELVE. With regard to farmland owned by the government, (with the exceptions of farmlands purchased under the provisions in Article Three or Article Thirty, Paragraph One, Item Three of the Special Measure for the Establishment of Independent Farmers), when the Shi-Cho-Son Agricultural Land Board decides that these lands should be offered for the purpose of realizing the establishment of Owner-Farmers, this matter will be supervised by the Agriculture and Forestry Minister.

The above-mentioned decision will not become effective unless prior approval of the To-Do-Fu-Ken Agricultural Land Board is secured.

In order that the To-Do-Fu-Ken Agricultural Land Board can give approval to the above, it must secure the approval of the minister who has jurisdiction over the land concerned.

The minister concerned can have either the head of a section or bureau, or a regional head, exercise his authority in accordance with the above-mentioned provision.

ARTICLE THIRTEEN. With regard to public property and farmland covered with forestry, when there is approval mentioned in

Paragraph Two of the previous Article, the Minister who has jurisdiction over the land concerned shall abolish its usage and purpose. Moreover, if the farmland mentioned above is not under the jurisdiction of the Forestry and Agriculture Ministry, it must be transferred to him.

When there is the approval mentioned in Paragraph Two in the preceding Article in regards to agricultural land in the form of miscellaneous property, the Minister concerned shall transfer his jurisdiction over the said agricultural land to the Minister of Forestry and Agriculture. The Minister of Forestry and Agriculture shall notify the Minister of Finance without delay the acceptance of jurisdiction over the said agricultural land in accordance with the provisions of the preceding two paragraphs or the abolition of services and aims of the said agricultural land in accordance with the provision of the preceding paragraph.

If the said agricultural land comes under Paragraph One and Paragraph Two, the provisions of Article Four or Article Two in the State Property Law Enforcement Ordinance shall not apply.

ARTICLE FOURTEEN. Any agricultural Land mentioned in Paragraph One of Article Sixteen in the Special Measure for the Establishment of Owner-Farmers which belongs to the government by ordinance shall become the property of the government in accordance with decision taken in Article Twelve, Paragraph One on agricultural land belonging to the government and the provision on exchange stipulated in Article Twenty-Three of the same law.

ARTICLE FIFTEEN. According to provisions in Paragraph One of Article Sixteen in the Special Measure for the Establishment of Owner-Farmers, the area of agricultural land to be sold shall not exceed that established by the Item Three, Paragraph One, Article Three of the same regarding area in the To-Do-Fu-Ken, provided there is consent from the headmaster or family; or the headmaster or family who do not reside there for reasons mentioned in Article One.

With regards to the application of the stipulations mentioned the preceding paragraph, the area of agricultural land to be purchased in accordance with Paragraph One in Article Eighteen of the Special Measure for the Establishment of Owner-Farmers shall be the area to be sold by the government according to the provision of the same paragraph.

With regard to the application of stipulations in the

preceding paragraph, the agricultural land of the headmaster or family related to the person mentioned in the preceding paragraph, or the headmaster or family who are not living there for special reasons mentioned in Article One shall be regarded as a property of the person mentioned in the preceding paragraph.

When, under special circumstances, the Shi-Cho-Son Agricultural Land Board's settlement of area of agricultural land which is to be sold in accordance with the provisions of Article Eighteen in the Special Measure for the Establishment of Owner-Farmers exceeds the limitation of Paragraph One, the stipulations of the same paragraph will not be applicable.

When Shi-Cho-Son Agricultural Land Board's settlement of area of the agricultural land to be sold in accordance with the provisions of Article Eighteen in the Special Measure for the Establishment of Owner-Farmers exceeds the limitation of Paragraph One, their reasons must be stated in the plan for the sale of agricultural land.

ARTICLE SIXTEEN. When a person, with intentions of purchasing land under the provision mentioned under Paragraph One of Article Sixteen in the Special Measure for the Establishment of Owner-Farmers at the time when the plan for the sale of agricultural land is being drawn-up according to Article Eighteen, finds the agricultural land unsuitable for cultivation upon working the said land, by the exercise of the right established by Article Twelve the portion of land equivalent to the area exceeding the limitation stipulated in Paragraph One of the preceding Article shall be sold to him.

In this case, Article Five shall apply.

ARTICLE SEVENTEEN. According to Paragraph One, Article Three in the Special Measure for the Establishment of Owner-Farmers, persons eligible to purchase agricultural land shall be classified under the following items:

1. With regard to purchase of agricultural land in accordance with the provisions in Paragraph One of Article Three in the Special Measure for the Establishment of Owner-Farmers or Item Three in Paragraph Five or Item Six, and land acquired by the Government by means of exchange as stipulated in Article Twenty-Three of the same law, tenant farmers who are engaged in the cultivation of said agricultural land at the time of purchase (When Shi-Cho-Son Agricultural Land Board makes a plan for the sale of agricultural land according to the provisions of

Paragraph Two in the supplementary provisions to the law, the date shall be today, 23 December 1941. Others are same as Item Two) or at the time when the land is acquired by exchange.

2. With regard to agricultural land purchased in accordance with Item Three in Paragraph Five of Article Three in the Special Measure for the Establishment of Owner-Farmers, persons who are engaged by contract in the cultivation at a time when the land is purchased.

3. With regard to agricultural land which the government owns according to Paragraph One of Article Twelve, persons who are engaged in the cultivation of the said agricultural land at a time when the plan for the sale of agricultural land is established in accordance with the provisions of Article Eighteen in the Special Measure for the Establishment of Owner-Farmers.

4. With regard to agricultural land purchased from individuals by juridical persons or other organizations after 8 December 1941 in accordance with Item Three, Paragraph Five, Article Three in the Special Measure for the Establishment of Owner-Farmers, independent farmers or tenant farmers who were engaged in the cultivation of the agricultural land concerned when the land was purchased. (Persons who acquired emphyteusis or rights of loan for use, lease, and ownership on the agricultural land in place of that purchased by the above-mentioned juridical persons or other organizations shall be excluded.)

5. With regard to agricultural land purchased in accordance with the provisions of Item Five, Item Three or Item One in Paragraph Five of Article Three in the Special Measure for the Establishment of Owner-Farmers, or agricultural land purchased in accordance with the provisions in Item 6 of the same paragraph, or agricultural land without tenancy which belongs to the government as stipulated in Paragraph One of Article Twelve, persons who are privately engaged in the cultivation.

ARTICLE EIGHTEEN. According to Article Sixteen, Paragraph One of the Special Measure for the Establishment of Owner-Farmers if a buyer interested in the purchase of agricultural land which is on sale is not to be found or if an application for the purchase as stipulated in Article Seventeen of the same bill is not received because no one has any intentions of cultivating the farmland concerned, this land will be sold to persons in the order listed below:

1. To those tenant farmers who are engaged in the cultivation of land at the time the plan of selling the agricultural land is being drawn-up as provided for in Article Eighteen of the same bill for those agricultural lands which had been bought up according to the provision of Article Three of the Special Disposal Bill for the Establishment of Owner-Farmers.
2. To those considered capable of devoting their time in agriculture as Owner-Farmers by the Town and Village Agricultural Land Council.

ARTICLE NINETEEN. The organizations specified by Article Sixteen, Paragraph Two of the Special Measure for the Establishment of Owner-Farmers shall be the city, town and village associations and Agricultural Operational Association: the Sericulture Practice Union and other groups organized by farmers which are designated by the local governor.

ARTICLE TWENTY. The City, Town and Village Agricultural Land Board shall bear the following considerations in mind when decisions are made on plans for the sale of farmland as provided for in Article Eighteen of the Special Measure for the Establishment of Owner-Farmers.

1. To put the chance to purchase agricultural land on an impartial basis for those who are to be Owner-Farmers.
2. To combine the agricultural land to be cultivated by the would-be Owner-Farmers and to divide the land concerned in a fairly in accordance with the circumstances of the area concerned.

ARTICLE TWENTY ONE. The Government shall complete the purchase of land according to Chapter Fifteen on the Special Measure for the Establishment of Owner-Farmers and the sale of land as provided for in Chapter Sixteen of the same bill by 31 December 1948.

The Shi-Cho-Son Agricultural Land Board shall make immediate plans for the purchase of agricultural land as provided for in Article Six on the Special Measure for the Establishment of Owner-Farmers and the plan for the sale of agricultural land as provided for in Article Eighteen of the same bill to be completed by the 31 October 1948.

ARTICLE TWENTY TWO. With regards to those persons to whom the sale of agricultural land was made according to Article Sixteen,

Paragraph One of the Special Measure for the Establishment of Owner-Farmers, or those to whom the sale of land was made by virtue of Article Thirty, Paragraph One, Items One to Three of the same bill as provided for in Article Forty One, Paragraph One of the same bill, or any successor to the ownership of the said land who plans to discontinue further farming of his own or to develop the land concerned, the local governor shall (excepting temporary suspension of farming or developing the land which results from unavoidable reasons such as illness, education and assuming public office through election) make proposals for the sale of the said land to the government provided in Article Twenty Eight, Paragraph One of the same bill. (This step shall also apply to situations mentioned in Article Forty One, Paragraph Three.)

ARTICLE TWENTY THREE. The Government, upon purchase of agricultural land by Article Twenty Eight on the Special Measure for the Establishment of Owner-Farmers shall immediately make the land available for sale to those farmers deemed capable of operating the farm successfully. Article Ten; Article Sixteen, Paragraph Two; Article Seventeen; Article Eighteen, Paragraph One to Paragraph Three or Five; Article Twenty; Article Twenty One; and Article Twenty Six of the Special Measure for the Establishment of Owner-Farmers shall apply to the sales as provided for in the preceding paragraph. In this case, Article Three, Article Six, and the preceding Article of Article Ten should read 'Article Twenty'.

ARTICLE TWENTY FOUR. Those who shall qualify for the right to purchase the agricultural facilities, land or buildings purchased by the Government as provided for in Article Fifteen on the Special Measure for the Establishment of Owner-Farmers shall be as follows:

1. With regards to agricultural facilities, those persons who possess the right to lease or rights to use facilities accruing from the lease to whom the sale of the agricultural land was made as provided for in Article Sixteen of the same bill. In case no one has these rights, those persons to whom the sale of agricultural land was made through the same provision and in which the agricultural facilities concerned is necessary for use in the agricultural land concerned.
2. Regarding land and buildings those persons (to whom the sale of agricultural land was made) who are vested with the right of lease or the right of lease

to utilize the above, perpetual lease of land, and surface rights.

ARTICLE TWENTY FIVE. The valuation of farm-land other than that mentioned in Article Thirty One, Paragraph One of the Special Measure for Establishment of Owner-Farmers (This also applies to cases of Article Thirty Seven, Paragraph Two, and Article Thirty Eight, Paragraph Two of the same law.) shall accord with the current price prescribed by the Central Agricultural Land Board on the basis of the price of land closely resembling the said land when it does not bear any bamboo or trees. In cases where the said land bears bamboo or trees, the total price must not exceed the combined price of the said trees or bamboo and the value placed on the farm-land by the Central Agricultural Land Board based on the price of land closely resembling the said land. However, under special cases, the valuation can be established by the To-Do-Fu-Ken Agriculture Land Board or the Shi-Cho-Son Agriculture Land Board when the approval of the local governor is secured.

The value placed on the trees and bamboo mentioned in the preceding paragraph shall correspond to the current price of a tree and bamboo closely resembling it.

The valuation determined to Paragraph One of the memorandum prescribed by the Shi-Cho-Son and To-Do-Fu-Ken Agriculture Land Board shall not exceed the current price of land bearing a close resemblance to the said land in its class.

The To-Do-Fu-Ken or the Shi-Cho-Son Agriculture Land Board, when placing a value on rights and on trees or constructions and projects according to Article Thirty One, Paragraph Two (This also applies to the cases of Article Thirty Seven, Paragraph Two, and Article Thirty Eight, Paragraph Two of the same law.) of the Special Measure for the Establishment of Owner-Farmers shall do so according to standards prescribed by the Central Agriculture Land Board.

ARTICLE TWENTY SIX. When the local governor determines the value of land rights, trees or structures other than farmland in accordance with Article Thirty Six, Paragraph Two (This also includes the cases applied in Article Thirty Seven, Paragraph One of the same law.) of the Special Measure for Establishment of Owner-Farmers, previous article shall be applicable. In the same article Paragraph One of the memorandum "The To-Do-Fu-Ken Agriculture Land Board shall have the approval of the provisional governor" shall be changed to "The Local governor shall approve."

ARTICLE TWENTY SEVEN. The local governor shall notify purchaser

or lessor concerning land (Includes trees on the said land. This applies to the remainder of this article) which is purchased or used by the Government in accord with Article Thirty Seven of the Special Measure for the Establishment of Owner-Farmers, or the sale or lease of land made according to Paragraph One, Item Four, which has been decided upon by Article Thirty One, Paragraph One.

Article Seventeen, Article Twenty One, Paragraph Two, and Article Twenty One of the Special Measure for the Establishment of Owner-Farmers shall apply to such cases as the preceding article.

The payment for land which has been sold according to Paragraph One shall be paid in an appropriate annual installment basis provided by order. However, if there is a request by the purchaser of the said land, he may pay the sum either in full amount or by partial payments.

ARTICLE TWENTY EIGHT. Restrictions and prohibitions stipulated in other laws which are not mentioned in Article Forty of the For The Establishment of Owner-Farmers Special Measure are as follows:

1. Article Nineteen of the River Law.
2. Article Four of the River Area Restriction Order.
3. Articles Three and Four and Nine of the Planned River Area Restriction Order.
4. Article Eight, Paragraph Two of the National Park Law.
5. Article Sixteen, Paragraph One of the National Park Law Enforcement Order.
6. Article Four of the Sand Dam Law. (Includes cases when applied in Article Three of the same law.)
7. Articles Three and Four of the Historical and Scenic Spots National Monument Preservation Law.
8. Article Four of the Historical and Scenic Spots Natural Monument Preservation Law Enforcement Order.
9. Articles Twenty Six and Thirty Two of the Forestry Law.
10. Articles One and Eight of the Makino Law.
11. Article One of the Makino Law Enforcement Order.

12. Restrictions or prohibition relating to the provisions on land development issued by the respective local governor according to Article Three of the Tokyo Metropolis Government System, Article Four of the Hokkaido Government System, and Article Six of the local Government System.

ARTICLE TWENTY NINE. The persons coming under Article Forty One, Paragraph One of the Special Measure for the Establishment of Owner-Farmers shall be the following persons:

1. To-Do-Fu-Ken.
2. Shi-Cho-Son (Including the Shi-Cho-Son associations.)
3. Persons performing duty related to farming and who were selected by the Central, To-Do-Fu-Ken, and Shi-Cho-Son Agriculture Land Board.

ARTICLE THIRTY. The Government must sell the said land to persons prescribed according to Article Forty One, Paragraph One of the Special Measure for the Establishment of Owner-Farmers without delay in case the land is purchased according to Article Twenty Eight of the same law which is applied to Article Forty One, Paragraph Three of the same law.

In regard to the sale made according to the provision in the preceding paragraph, the regulation prescribed in Article Forty One, Paragraph Two, of the For The Establishment of Owner-Farmers Special Measure shall apply.

ARTICLE THIRTY ONE. Any property or material which belongs to the Government (Excluding property and material purchased in accordance with Articles Three, Fifteen, Thirty, Thirty Six and Thirty Seven of the Special Measure for Establishment of Owner-Farmers which shall be determined by the To-Do-Fu-Ken Agricultural Land Board (as coming under any one of the following provisions)) shall be placed under the supervision of the Minister of Agriculture:

1. Land which is considered suitable for cultivation.
2. Trees, buildings and other projects which are on the land which are considered suitable for the development of the land.
3. Land, trees, buildings, and other projects which will be beneficial to the land already cultivated.
4. With regards to land which was purchased in accordance

with the stipulations of Article Thirty of the Special Measure for Establishment of Owner-Farmers, and at the time of its purchase whose ownership rights, leasing rights, rights from usage leases, permanent tenancy rights, terrestrial rights, and the membership right belonged to persons to whom it is now considered proper to lease or to sell. (Trees on the land in question to be included.) In above-mentioned instances, Paragraphs Two and Four of Article Twelve Article Thirteen shall apply. In this event, the sanction of the Agricultural Land Board of the To-Do-Fu-Ken can also be interpreted as the sanction of the provincial governor.

ARTICLE THIRTY TWO. The Government can sell or lease land and properties which belong to the Government in accordance to the decision of Paragraph One of the preceding article (with the exception of land coming under provision: One and Four of the preceding paragraph.) to those people as stipulated in Article Four, Paragraph One of the Special Measure for the Establishment of Owner-Farmers.

With regards to purchases and leases in accordance to the preceding paragraph, Article Seventeen; Article Eighteen; Paragraph One, Three and Five; Article Twenty; Article Twenty One; and Article Twenty Six of the Special Measure shall apply. In this event, the phrase mentioned in Article Eight applied according to Article Seventeen; Article Eighteen, Paragraphs One and Five "Shi-Cho-Son Agricultural Land Board" shall be changed to "To-Do-Fu-Ken Agricultural Land Board" and the wordings "The approval of the To-Do-Fu-Ken Agricultural Board shall be changed to the "Sanction of the Local governor."

ARTICLE THIRTY THREE. The government can loan without charge or enable the people to utilize and make profit off the land and property which belongs to the Government as stipulated in Article Thirty One, Paragraph One (with the exception of Item 4 of the same paragraph) and the land, property, rights and manufactured goods which were bought or utilized in accordance to the regulations of Article Thirty of the Article Four, Paragraph One of the Special Measure.

In case of the forementioned case, Paragraphs One and Two of Article Twenty Seven shall apply.

ARTICLE THIRTY FOUR. The Minister of Agriculture shall supervise all land, rights, trees, manufactured articles, and other articles which are considered government owned which were purchased by the Government in accordance to the regulations

as stipulated in Article Twenty Eight, Paragraph One (Including when applied in Paragraph Three of Article Forty One of the same law) or by purchases in accordance to regulations stipulated in Articles Three, Fifteen, Thirty, Paragraph Two of Article Thirty Three, and Articles Thirty Six and Thirty Seven of the Special Measure or by exchanges in accordance to the regulations of Article Twenty Three.

ARTICLE THIRTY FIVE. All necessary matters in regards to the accounting book concerning Government properties as stipulated in the preceding article and Government properties as stipulated in Paragraph One of both Articles Twenty Three and Thirty One and other matters that should be written in the accounting book shall be determined by the Minister of Agriculture in consultation with the Finance Minister.

In regards to the State property as stipulated in the preceding paragraph, the regulation of Article Thirty Three of the Government Property Law Enforcement Ordinance shall not be applicable.

ARTICLE THIRTY SIX. The following shall be determined by orders of Article Forty Six of the Special Measure for the Establishment of Owner-Farmers:

1. Agricultural Land Developing Organization.
2. To-Do-Fu-Ken.
3. People who have been working in connection with agriculture and have been designated to do so by either the Central Agricultural Land Board, To-Do-Fu-Ken Agricultural Land Board or the Shi-Cho-Son Agricultural Land Board.

ARTICLE THIRTY SEVEN. Public announcements in regards to the Special Measure for the Establishment of Owner-Farmers and orders based on the same law when made by the Central Agricultural Land Board should be done in the same manner as cabinet order announcements; when made by the local governor or To-Do-Fu-Ken Agricultural Land Board, it should be done in the same manner as the Tokyo-To-Order, Hokkaido-Cho-Order or Fu-Ken Order announcements; and when done by the Shi-Cho-Son Agricultural Land Board it should be announced on the bulletin board of the City Hall or the Cho-Son Office.

ARTICLE THIRTY EIGHT. The word concerned Minister which is used in the Special Measure for the Establishment of Owner-Farmers shall be changed to the Minister of Agriculture.

ARTICLE THIRTY NINE. The Minister of Agriculture when he deems it especially necessary in regards to the establishment of Owner-Farmer can delegate authority to the local governor or to the Central Agricultural Land Board to handle matters originally handled by the To-Do-Fu-Ken Agricultural Land Board as determined by the Imperial Ordinance.

In regards to these matters which were delegated to the local governor and to the To-Do-Fu-Ken Agricultural Land Board as specified in the preceding paragraph, the Minister of Agriculture shall deal with these matters which were delegated to the local governor as determined by the Imperial Ordinance.

ARTICLE FORTY. The regulations in regards to the Shi-Cho-Son Agricultural Land Board mentioned in the Imperial Ordinance shall be applied by the District Agricultural Land Board to the Shi-Cho-Son districts where the District Agricultural Land Board is established. In this event, "the Shi-Cho-Son Agricultural Land Board established in the neighboring Shi-Cho-Son concerned" of Article Two shall be changed to the "Shi-Cho-Son Agricultural Land Board established in the neighboring Shi-Cho-Son concerned or the District Agricultural Land Board established in the neighboring district of the district concerned.

ARTICLE FORTY ONE. The regulations in regards to the Cho-Son in the Imperial Ordinance shall apply to all of the town and village office, business offices or to the Cho-Son association in places where town and village office business affairs are managed jointly by the Cho-Son association while at places where the Cho-Son system does not exist the next in line shall take charge. Regulations concerning cities, shall be applied to the words of Tokyo Metropolis and the governor designated wards of Kyoto, Osaka, Yokohama, Nagoya and Kobe cities respectively.

Supplementary Regulations

ARTICLE FORTY TWO. This Imperial Ordinance shall be enforced from the 29th of December 1946.

ARTICLE FORTY THREE. When tenant farmers who have been engaged in farming as of November 23, 1945 made a request to the Shi-Cho-Son Agricultural Land Board that the agricultural land purchasing plans should be established based on the regulation in Paragraph Two of the Supplementary Regulations on the Special Measure for the Establishment of Owner-Farmers in regards to the agricultural land concerned, the Shi-Cho-Son Agricultural Land Board in respect to the agricultural land must according to the regulation of the same paragraph establish the agricultural land purchasing plans based upon the conditions prevailing on 23rd November 1945.

ARTICLE FORTY FOUR. When a request is made according to the provision prescribed in the preceding article, and if the farm land purchasing plan is rejected according to the supplementary provision, Paragraph Two of the Special Measure for Establishment of Owner-Farmers in regard to such farm land at the given request of the Shi-Cho-Son Agricultural Land Board, the person concerned who made the said request can demand a clarification of such decision of the farm land purchasing plan made according to the same paragraph of the said Shi-Cho-Son Farm Land Board to the To-Do-Fu-Ken Farm Land Board within the period of one month after the decision is given.

ARTICLE FORTY FIVE. During the Farm Land Purchasing Plan is drawn up according to the Article Six of the Special Measure and 23 November 1946 persons having rights such as ownership, lease rights and lease usage, or a permanent tenant rights, the Shi-Cho-Son Farm Land Board shall deliberate on whether or not decision on the Farm Land Purchasing Plan based on the conditions prevailing of 23 November 1945 according to the stipulation of Paragraph Two of the supplementary provisions of the same law with regards to different farm land.

The Shi-Cho-Son Farm Land Board, when deliberating on the preceding matter shall state cause in its committee minute records if the Farm Land Purchasing Plan is rejected based on the conditions prevailing on 23 November, 1945 according to Paragraph Two of the Supplementary Provision of the Special Measure.

ARTICLE FORTY SIX. A part of the Fisheries Registration Order will be revised as follows:

The following item will be added to Item Five of Article Sixteen:

6. The transfer or cancellation of fishing right which had been bought up under the Special Measure for the Establishment of Owner-Farmers or the cancellation of right to enter the fishing industry or privileges which are aimed toward participation in fishing.

ARTICLE FORTY SEVEN. A part of the Agricultural Land Adjustment Law Enforcement Order shall be revised as follows:

'Or Article Forty One Paragraph One' of Article Two and Article Seven shall be changed to 'either Article Forty One Paragraph One or Article Twenty Three Paragraph Twenty Three, Article Thirty Paragraph One Article Thirty Two Paragraph One of the Special Measure for the Establishment of Owner-Farmers enforcement order.'

November, 1945 according to Paragraph Two of the Supplementary Provision of the Special Measure.

ARTICLE FORTY SIX. A part of the Fisheries Registration Order will be revised as follows:

The following item will be added to Item Five of Article Sixteen.

6. The transfer or cancellation of fishing right which had been bought up under the Special Measure For The Establishment of Owner-Farmers or the cancellation of right to enter the fishing industry or priveleges which are aimed toward participation in fishing.

ARTICLE FORTY SEVEN. A part of the Agricultural Land Adjustment Law Enforcement Order shall be revised as follows:

'Or Article Forty One Paragraph One' of Article Two and Article Seven shall be changed to 'either Article Forty One Paragraph One or Article Twenty Three Paragraph Twenty Three, Article Thirty Paragraph One Article Thirty Two Paragraph One of the Special Measure For The Establishment Of Owner-Farmers enforcement order.

'Or Article Thirty One Paragraph One Item Three or Item Four of the Special Measure For The Establishment Of small land holders enforcement order' shall be added after 'Article Sixteen or Article Thirty Paragraph One Number Two of the same bill'.

'Article Seventeen' of Article Thirty Nine shall be changed to 'Article Fifteen'.

'Article Twenty Nine' of Article Forty Three shall be changed to 'Article Twenty Eight Paragraph Three'

ARTICLE FORTY EIGHT. A part of the organization for the Land Development Committee shall be revised as follows:

'Or the Central Agricultural Land Board' after 'Agricultural Minister' in Article One Paragraph Three and 'Or To-Do-Fu-Ken, Land Board' after 'Local Governor' shall be added.

KANPO, 28 December 1946, Number 5988, (Saturday).

I hereby promulgate approval of the Imperial Ordinance which determines the effective date of the Special Measure for Establishment of Owner-Farmers.

Imperial Seal

27 December 1946

Prime Minister
Justice Minister
Home Minister
Forestry and Agriculture Minister
Finance Minister

YOSHIDA, Shigeru
KIMURA, Tokutaro
OMURA, Seiichi
WADA, Hiroo
ISHIBASHI, Tanzan

Imperial Ordinance Number 620:

The Special Measure for the Establishment of Owner-Farmers will become effective as of 29 December 1946.

* * *

I hereby promulgate approval of the order to carry out the Special Measure for Establishment of Independent Farmers.

Imperial Seal

27 December 1946

Prime Minister
Home Minister
Forestry and Agriculture Minister
Finance Minister

YOSHIDA, Shigeru
OMURA, Seiichi
WADA, Hiroo
ISHIBASHI, Tanzan

Imperial Ordinance Number 621:

Order to Carry Out the
Special Measure for the Establishment of Owner-Farmers.

ARTICLE ONE. The exceptions to Article Two, Paragraph Three of the Special Measure for the Establishment of Owner-Farmers shall be the following:

- A. Illness
- B. School attendance
- C. Those drafted for military service prior to 15 August 1945.
- D. Those persons who were elected to public office who

are regarded indispensable for the moment by Shi-Cho-Son Agricultural Land Board and whose decision is approved by the To-Do-Fu-Ken Agricultural Land Board.

ARTICLE TWO. The Shi-Cho-Son Agricultural Land Board, when carrying out the specifications designated in Article Three, Paragraph One, Item One of the Special Measure for the Establishment of Owner-Farmers, shall secure the consent of the Shi-Cho-Son Agricultural Land Board established in the neighboring Shi-Cho-Son, and shall express approval to the To-Do-Fu-Ken Agricultural Land Board before the date designated by the local governor.

ARTICLE THREE. The farmlands designated in Article Three, Paragraph Four of the Special Measure for the Establishment of Owner-Farmers shall be as follows:

A. Farmland whose yield is highly unpredictable, such as newly reclaimed land, scorched fields, and transformed plots of land.

B. Land whose proximity to metal mines and coal mines endangers its usage for farming.

C. In addition to the two types of land mentioned above, those lands designated by the Agriculture and Forestry Minister.

ARTICLE FOUR. The authorization provided for in Article Three, Paragraph Five of the Special Measure for the Establishment of Owner-Farmers shall be exercised by Shi-Cho-Son Agricultural Land Board of the To-Do-Fu-Ken Agricultural Land Board in matters concerning land mentioned in Item One to Five in the same Paragraph: and by the Shi-Cho-Son Agricultural Land Board in matters concerning land mentioned in Item Six of the same paragraph.

ARTICLE FIVE. With regards to Items One or Two of Article Three, Paragraph Five of the Special Measure for the Establishment of Owner-Farmers, when either of the following items apply to an independent farmer or to a corporation, their continued cultivation activity is justifiable.

A. With regard to independent cultivation, when the operator exerts his utmost individual effort to attain the most efficient cultivation of the land or when a decrease in productivity is considered inevitable in cases where the land concerned is subdivided.

B. With regard to corporations and other bodies, when a

decrease in productivity is considered inevitable in cases where the land concerned is subdivided or when the cultivation of the land is considered indispensable for the continued operation of its main occupation.

ARTICLE SIX. Those groups designated in Article Five, Item Two of the Special Measure for the Establishment of Owner-Farmers shall be bodies organized by Buraku, industrial associations, silk-worm reeling associations, and other bodies organized by cultivators and shall be designated by the regional chief.

ARTICLE SEVEN. Matters decided by Article Five, Item Six of the Special Measure for the Establishment of Independent Farmers shall be as follows:

- A. School attendance.
- B. Those drafted for military service prior to 15 August 1945.
- C. Those persons who were elected to public office and who are regarded indispensable for the moment by Shi-Cho-Son Agricultural Land Board and whose decision is approved by To-Do-Fu-Ken Agricultural Land Board.

ARTICLE EIGHT. The farmland designated in Article Five, Item Seven of the Special Measure for the Establishment of Owner-Farmers shall be as follows:

- A. Farmland which can be subdivided.
- B. Land whose proximity to metal mines and coal mines endangers its usage for farming.
- C. In addition to the two types of land designated above, those lands designated by the Agriculture and Forestry Minister.

ARTICLE NINE. The Shi-Cho-Son Agricultural Land Board or the To-Do-Fu-Ken Agricultural Board shall determine the price of farmland which has not been evaluated in accordance with the Land Tax Law by relying on Article Six, Item Three of the Special Measure for the Establishment of Owner-Farmers (Article Twenty Eight, Paragraph Two; Article Thirty One, Paragraph Three; Article Thirty Six, Paragraph Three; Article Thirty Seven, Paragraph Two; Article Thirty Eight, Paragraph Two and Article Forty One, Paragraph Three shall also be included) or when evaluating farmland in accordance with the same paragraph, the price set on it shall not exceed the current value of a

like land in the vicinity.

ARTICLE TEN. When the regional chief approves the valuation set by the Shi-Cho-Son Agricultural Board in accordance with Article Six, Paragraph Three of the Special Measure for the Establishment of Owner-Farmers (including Article Twenty-Eight, Paragraph Two; Article Thirty-Eight, Paragraph Two; and Article Forty-One, Paragraph Three of the same law) he must first listen to the opinion of the To-Do-Fu-Ken Agricultural Land Board.

ARTICLE ELEVEN. When the Shi-Cho-Son Agricultural Committee places value on agricultural installations, residences and constructions, which it intends to purchase in accordance with Article Fifteen, Paragraph One of the Special Measure for the Establishment of the Owner-Farmer it must rely on the rules established by the Central Agricultural Board.

A valuation placed on pastureland in accordance with Article Fifteen, Paragraph Three of the Special Measure for the Establishment of Independent Farmers shall not exceed the amount determined by the Central Agricultural Committee which evaluated the land to approximate the current value of a like land in the neighborhood.

ARTICLE TWELVE. With regard to farmland owned by the government, (with the exceptions of farmlands purchased under the provisions in Article Three or Article Thirty, Paragraph One, Item Three of the Special Measure for the Establishment of Independent Farmers), when the Shi-Cho-Son Agricultural Land Board decides that these lands should be offered for the purpose of realizing the establishment of Owner-Farmers, this matter will be supervised by the Agriculture and Forestry Minister.

The above-mentioned decision will not become effective unless prior approval of the To-Do-Fu-Ken Agricultural Land Board is secured.

In order that the To-Do-Fu-Ken Agricultural Land Board can give approval to the above, it must secure the approval of the minister who has jurisdiction over the land concerned.

The minister concerned can have either the head of a section or bureau, or a regional head, exercise his authority in accordance with the above-mentioned provision.

ARTICLE THIRTEEN. With regard to public property and farmland covered with forestry, when there is approval mentioned in

Paragraph Two of the previous Article, the Minister who has jurisdiction over the land concerned shall abolish its usage and purpose. Moreover, if the farmland mentioned above is not under the jurisdiction of the Forestry and Agriculture Ministry, it must be transferred to him.

When there is the approval mentioned in Paragraph Two in the preceding Article in regards to agricultural land in the form of miscellaneous property, the Minister concerned shall transfer his jurisdiction over the said agricultural land to the Minister of Forestry and Agriculture. The Minister of Forestry and Agriculture shall notify the Minister of Finance without delay the acceptance of jurisdiction over the said agricultural land in accordance with the provisions of the preceding two paragraphs or the abolition of services and aims of the said agricultural land in accordance with the provision of the preceding paragraph.

If the said agricultural land comes under Paragraph One and Paragraph Two, the provisions of Article Four or Article Two in the State Property Law Enforcement Ordinance shall not apply.

ARTICLE FOURTEEN. Any agricultural Land mentioned in Paragraph One of Article Sixteen in the Special Measure for the Establishment of Owner-Farmers which belongs to the government by ordinance shall become the property of the government in accordance with decision taken in Article Twelve, Paragraph One on agricultural land belonging to the government and the provision on exchange stipulated in Article Twenty-Three of the same law.

ARTICLE FIFTEEN. According to provisions in Paragraph One of Article Sixteen in the Special Measure for the Establishment of Owner-Farmers, the area of agricultural land to be sold shall not exceed that established by the Item Three, Paragraph One, Article Three of the same regarding area in the To-Do-Fu-Ken, provided there is consent from the headmaster or family; or the headmaster or family who do not reside there for reasons mentioned in Article One.

With regards to the application of the stipulations mentioned the preceding paragraph, the area of agricultural land to be purchased in accordance with Paragraph One in Article Eighteen of the Special Measure for the Establishment of Owner-Farmers shall be the area to be sold by the government according to the provision of the same paragraph.

With regard to the application of stipulations in the

preceding paragraph, the agricultural land of the headmaster or family related to the person mentioned in the preceding paragraph, or the headmaster or family who are not living there for special reasons mentioned in Article One shall be regarded as a property of the person mentioned in the preceding paragraph.

When, under special circumstances, the Shi-Cho-Son Agricultural Land Board's settlement of area of agricultural land which is to be sold in accordance with the provisions of Article Eighteen in the Special Measure for the Establishment of Owner-Farmers exceeds the limitation of Paragraph One, the stipulations of the same paragraph will not be applicable.

When Shi-Cho-Son Agricultural Land Board's settlement of area of the agricultural land to be sold in accordance with the provisions of Article Eighteen in the Special Measure for the Establishment of Owner-Farmers exceeds the limitation of Paragraph One, their reasons must be stated in the plan for the sale of agricultural land.

ARTICLE SIXTEEN. When a person, with intentions of purchasing land under the provision mentioned under Paragraph One of Article Sixteen in the Special Measure for the Establishment of Owner-Farmers at the time when the plan for the sale of agricultural land is being drawn-up according to Article Eighteen, finds the agricultural land unsuitable for cultivation upon working the said land, by the exercise of the right established by Article Twelve the portion of land equivalent to the area exceeding the limitation stipulated in Paragraph One of the preceding Article shall be sold to him.

In this case, Article Five shall apply.

ARTICLE SEVENTEEN. According to Paragraph One, Article Three in the Special Measure for the Establishment of Owner-Farmers, persons eligible to purchase agricultural land shall be classified under the following items:

1. With regard to purchase of agricultural land in accordance with the provisions in Paragraph One of Article Three in the Special Measure for the Establishment of Owner-Farmers or Item Three in Paragraph Five or Item Six, and land acquired by the Government by means of exchange as stipulated in Article Twenty-Three of the same law, tenant farmers who are engaged in the cultivation of said agricultural land at the time of purchase (When Shi-Cho-Son Agricultural Land Board makes a plan for the sale of agricultural land according to the provisions of

Paragraph Two in the supplementary provisions to the law, the date shall be today, 23 December 1941. Others are same as Item Two) or at the time when the land is acquired by exchange.

2. With regard to agricultural land purchased in accordance with Item Three in Paragraph Five of Article Three in the Special Measure for the Establishment of Owner-Farmers, persons who are engaged by contract in the cultivation at a time when the land is purchased.

3. With regard to agricultural land which the government owns according to Paragraph One of Article Twelve, persons who are engaged in the cultivation of the said agricultural land at a time when the plan for the sale of agricultural land is established in accordance with the provisions of Article Eighteen in the Special Measure for the Establishment of Owner-Farmers.

4. With regard to agricultural land purchased from individuals by juridical persons or other organizations after 8 December 1941 in accordance with Item Three, Paragraph Five, Article Three in the Special Measure for the Establishment of Owner-Farmers, independent farmers or tenant farmers who were engaged in the cultivation of the agricultural land concerned when the land was purchased. (Persons who acquired emphyteusis or rights of loan for use, lease, and ownership on the agricultural land in place of that purchased by the above-mentioned juridical persons or other organizations shall be excluded.)

5. With regard to agricultural land purchased in accordance with the provisions of Item Five, Item Three or Item One in Paragraph Five of Article Three in the Special Measure for the Establishment of Owner-Farmers, or agricultural land purchased in accordance with the provisions in Item 6 of the same paragraph, or agricultural land without tenancy which belongs to the government as stipulated in Paragraph One of Article Twelve, persons who are privately engaged in the cultivation.

ARTICLE EIGHTEEN. According to Article Sixteen, Paragraph One of the Special Measure for the Establishment of Owner-Farmers if a buyer interested in the purchase of agricultural land which is on sale is not to be found or if an application for the purchase as stipulated in Article Seventeen of the same bill is not received because no one has any intentions of cultivating the farmland concerned, this land will be sold to persons in the order listed below:

1. To those tenant farmers who are engaged in the cultivation of land at the time the plan of selling the agricultural land is being drawn-up as provided for in Article Eighteen of the same bill for those agricultural lands which had been bought up according to the provision of Article Three of the Special Disposal Bill for the Establishment of Owner-Farmers.
2. To those considered capable of devoting their time in agriculture as Owner-Farmers by the Town and Village Agricultural Land Council.

ARTICLE NINETEEN. The organizations specified by Article Sixteen, Paragraph Two of the Special Measure for the Establishment of Owner-Farmers shall be the city, town and village associations and Agricultural Operational Association: the Sericulture Practice Union and other groups organized by farmers which are designated by the local governor.

ARTICLE TWENTY. The City, Town and Village Agricultural Land Board shall bear the following considerations in mind when decisions are made on plans for the sale of farmland as provided for in Article Eighteen of the Special Measure for the Establishment of Owner-Farmers.

1. To put the chance to purchase agricultural land on an impartial basis for those who are to be Owner-Farmers.
2. To combine the agricultural land to be cultivated by the would-be Owner-Farmers and to divide the land concerned in a fairly in accordance with the circumstances of the area concerned.

ARTICLE TWENTY ONE. The Government shall complete the purchase of land according to Chapter Fifteen on the Special Measure for the Establishment of Owner-Farmers and the sale of land as provided for in Chapter Sixteen of the same bill by 31 December 1948.

The Shi-Cho-Son Agricultural Land Board shall make immediate plans for the purchase of agricultural land as provided for in Article Six on the Special Measure for the Establishment of Owner-Farmers and the plan for the sale of agricultural land as provided for in Article Eighteen of the same bill to be completed by the 31 October 1948.

ARTICLE TWENTY TWO. With regards to those persons to whom the sale of agricultural land was made according to Article Sixteen,

Paragraph One of the Special Measure for the Establishment of Owner-Farmers, or those to whom the sale of land was made by virtue of Article Thirty, Paragraph One, Items One to Three of the same bill as provided for in Article Forty One, Paragraph One of the same bill, or any successor to the ownership of the said land who plans to discontinue further farming of his own or to develop the land concerned, the local governor shall (excepting temporary suspension of farming or developing the land which results from unavoidable reasons such as illness, education and assuming public office through election) make proposals for the sale of the said land to the government provided in Article Twenty Eight, Paragraph One of the same bill. (This step shall also apply to situations mentioned in Article Forty One, Paragraph Three.)

ARTICLE TWENTY THREE. The Government, upon purchase of agricultural land by Article Twenty Eight on the Special Measure for the Establishment of Owner-Farmers shall immediately make the land available for sale to those farmers deemed capable of operating the farm successfully. Article Ten; Article Sixteen, Paragraph Two; Article Seventeen; Article Eighteen, Paragraph One to Paragraph Three or Five; Article Twenty; Article Twenty One; and Article Twenty Six of the Special Measure for the Establishment of Owner-Farmers shall apply to the sales as provided for in the preceding paragraph. In this case, Article Three, Article Six, and the preceding Article of Article Ten should read 'Article Twenty'.

ARTICLE TWENTY FOUR. Those who shall qualify for the right to purchase the agricultural facilities, land or buildings purchased by the Government as provided for in Article Fifteen on the Special Measure for the Establishment of Owner-Farmers shall be as follows:

1. With regards to agricultural facilities, those persons who possess the right to lease or rights to use facilities accruing from the lease to whom the sale of the agricultural land was made as provided for in Article Sixteen of the same bill. In case no one has these rights, those persons to whom the sale of agricultural land was made through the same provision and in which the agricultural facilities concerned is necessary for use in the agricultural land concerned.
2. Regarding land and buildings those persons (to whom the sale of agricultural land was made) who are vested with the right of lease or the right of lease

to utilize the above, perpetual lease of land, and surface rights.

ARTICLE TWENTY FIVE. The valuation of farm-land other than that mentioned in Article Thirty One, Paragraph One of the Special Measure for Establishment of Owner-Farmers (This also applies to cases of Article Thirty Seven, Paragraph Two, and Article Thirty Eight, Paragraph Two of the same law.) shall accord with the current price prescribed by the Central Agricultural Land Board on the basis of the price of land closely resembling the said land when it does not bear any bamboo or trees. In cases where the said land bears bamboo or trees, the total price must not exceed the combined price of the said trees or bamboo and the value placed on the farm-land by the Central Agricultural Land Board based on the price of land closely resembling the said land. However, under special cases, the valuation can be established by the To-Do-Fu-Ken Agriculture Land Board or the Shi-Cho-Son Agriculture Land Board when the approval of the local governor is secured.

The value placed on the trees and bamboo mentioned in the preceding paragraph shall correspond to the current price of a tree and bamboo closely resembling it.

The valuation determined to Paragraph One of the memorandum prescribed by the Shi-Cho-Son and To-Do-Fu-Ken Agriculture Land Board shall not exceed the current price of land bearing a close resemblance to the said land in its class.

The To-Do-Fu-Ken or the Shi-Cho-Son Agriculture Land Board, when placing a value on rights and on trees or constructions and projects according to Article Thirty One, Paragraph Two (This also applies to the cases of Article Thirty Seven, Paragraph Two, and Article Thirty Eight, Paragraph Two of the same law.) of the Special Measure for the Establishment of Owner-Farmers shall do so according to standards prescribed by the Central Agriculture Land Board.

ARTICLE TWENTY SIX. When the local governor determines the value of land rights, trees or structures other than farmland in accordance with Article Thirty Six, Paragraph Two (This also includes the cases applied in Article Thirty Seven, Paragraph One of the same law.) of the Special Measure for Establishment of Owner-Farmers, previous article shall be applicable. In the same article Paragraph One of the memorandum "The To-Do-Fu-Ken Agriculture Land Board shall have the approval of the provisional governor" shall be changed to "The Local governor shall approve."

ARTICLE TWENTY SEVEN. The local governor shall notify purchaser

or lessor concerning land (Includes trees on the said land. This applies to the remainder of this article) which is purchased or used by the Government in accord with Article Thirty Seven of the Special Measure for the Establishment of Owner-Farmers, or the sale or lease of land made according to Paragraph One, Item Four, which has been decided upon by Article Thirty One, Paragraph One.

Article Seventeen, Article Twenty One, Paragraph Two, and Article Twenty One of the Special Measure for the Establishment of Owner-Farmers shall apply to such cases as the preceding article.

The payment for land which has been sold according to Paragraph One shall be paid in an appropriate annual installment basis provided by order. However, if there is a request by the purchaser of the said land, he may pay the sum either in full amount or by partial payments.

ARTICLE TWENTY EIGHT. Restrictions and prohibitions stipulated in other laws which are not mentioned in Article Forty of the For The Establishment of Owner-Farmers Special Measure are as follows:

1. Article Nineteen of the River Law.
2. Article Four of the River Area Restriction Order.
3. Articles Three and Four and Nine of the Planned River Area Restriction Order.
4. Article Eight, Paragraph Two of the National Park Law.
5. Article Sixteen, Paragraph One of the National Park Law Enforcement Order.
6. Article Four of the Sand Dam Law. (Includes cases when applied in Article Three of the same law.)
7. Articles Three and Four of the Historical and Scenic Spots National Monument Preservation Law.
8. Article Four of the Historical and Scenic Spots Natural Monument Preservation Law Enforcement Order.
9. Articles Twenty Six and Thirty Two of the Forestry Law.
10. Articles One and Eight of the Makino Law.
11. Article One of the Makino Law Enforcement Order.

12. Restrictions or prohibition relating to the provisions on land development issued by the respective local governor according to Article Three of the Tokyo Metropolis Government System, Article Four of the Hokkaido Government System, and Article Six of the local Government System.

ARTICLE TWENTY NINE. The persons coming under Article Forty One, Paragraph One of the Special Measure for the Establishment of Owner-Farmers shall be the following persons:

1. To-Do-Fu-Ken.
2. Shi-Cho-Son (Including the Shi-Cho-Son associations.)
3. Persons performing duty related to farming and who were selected by the Central, To-Do-Fu-Ken, and Shi-Cho-Son Agriculture Land Board.

ARTICLE THIRTY. The Government must sell the said land to persons prescribed according to Article Forty One, Paragraph One of the Special Measure for the Establishment of Owner-Farmers without delay in case the land is purchased according to Article Twenty Eight of the same law which is applied to Article Forty One, Paragraph Three of the same law.

In regard to the sale made according to the provision in the preceding paragraph, the regulation prescribed in Article Forty One, Paragraph Two, of the For The Establishment of Owner-Farmers Special Measure shall apply.

ARTICLE THIRTY ONE. Any property or material which belongs to the Government (Excluding property and material purchased in accordance with Articles Three, Fifteen, Thirty, Thirty Six and Thirty Seven of the Special Measure for Establishment of Owner-Farmers which shall be determined by the To-Do-Fu-Ken Agricultural Land Board (as coming under any one of the following provisions)) shall be placed under the supervision of the Minister of Agriculture:

1. Land which is considered suitable for cultivation.
2. Trees, buildings and other projects which are on the land which are considered suitable for the development of the land.
3. Land, trees, buildings, and other projects which will be beneficial to the land already cultivated.
4. With regards to land which was purchased in accordance

with the stipulations of Article Thirty of the Special Measure for Establishment of Owner-Farmers, and at the time of its purchase whose ownership rights, leasing rights, rights from usage leases, permanent tenancy rights, terrestrial rights, and the membership right belonged to persons to whom it is now considered proper to lease or to sell. (Trees on the land in question to be included.) In above-mentioned instances, Paragraphs Two and Four of Article Twelve Article Thirteen shall apply. In this event, the sanction of the Agricultural Land Board of the To-Do-Fu-Ken can also be interpreted as the sanction of the provincial governor.

ARTICLE THIRTY TWO. The Government can sell or lease land and properties which belong to the Government in accordance to the decision of Paragraph One of the preceding article (with the exception of land coming under provision: One and Four of the preceding paragraph.) to those people as stipulated in Article Four, Paragraph One of the Special Measure for the Establishment of Owner-Farmers.

With regards to purchases and leases in accordance to the preceding paragraph, Article Seventeen; Article Eighteen; Paragraph One, Three and Five; Article Twenty; Article Twenty One; and Article Twenty Six of the Special Measure shall apply. In this event, the phrase mentioned in Article Eight applied according to Article Seventeen; Article Eighteen, Paragraphs One and Five "Shi-Cho-Son Agricultural Land Board" shall be changed to "To-Do-Fu-Ken Agricultural Land Board" and the wordings "The approval of the To-Do-Fu-Ken Agricultural Board shall be changed to the "Sanction of the Local governor."

ARTICLE THIRTY THREE. The government can loan without charge or enable the people to utilize and make profit off the land and property which belongs to the Government as stipulated in Article Thirty One, Paragraph One (with the exception of Item 4 of the same paragraph) and the land, property, rights and manufactured goods which were bought or utilized in accordance to the regulations of Article Thirty of the Article Four, Paragraph One of the Special Measure.

In case of the forementioned case, Paragraphs One and Two of Article Twenty Seven shall apply.

ARTICLE THIRTY FOUR. The Minister of Agriculture shall supervise all land, rights, trees, manufactured articles, and other articles which are considered government owned which were purchased by the Government in accordance to the regulations

as stipulated in Article Twenty Eight, Paragraph One (Including when applied in Paragraph Three of Article Forty One of the same law) or by purchases in accordance to regulations stipulated in Articles Three, Fifteen, Thirty, Paragraph Two of Article Thirty Three, and Articles Thirty Six and Thirty Seven of the Special Measure or by exchanges in accordance to the regulations of Article Twenty Three.

ARTICLE THIRTY FIVE. All necessary matters in regards to the accounting book concerning Government properties as stipulated in the preceding article and Government properties as stipulated in Paragraph One of both Articles Twenty Three and Thirty One and other matters that should be written in the accounting book shall be determined by the Minister of Agriculture in consultation with the Finance Minister.

In regards to the State property as stipulated in the preceding paragraph, the regulation of Article Thirty Three of the Government Property Law Enforcement Ordinance shall not be applicable.

ARTICLE THIRTY SIX. The following shall be determined by orders of Article Forty Six of the Special Measure for the Establishment of Owner-Farmers:

1. Agricultural Land Developing Organization.
2. To-Do-Fu-Ken.
3. People who have been working in connection with agriculture and have been designated to do so by either the Central Agricultural Land Board, To-Do-Fu-Ken Agricultural Land Board or the Shi-Cho-Son Agricultural Land Board.

ARTICLE THIRTY SEVEN. Public announcements in regards to the Special Measure for the Establishment of Owner-Farmers and orders based on the same law when made by the Central Agricultural Land Board should be done in the same manner as cabinet order announcements; when made by the local governor or To-Do-Fu-Ken Agricultural Land Board, it should be done in the same manner as the Tokyo-To-Order, Hokkaido-Cho-Order or Fu-Ken Order announcements; and when done by the Shi-Cho-Son Agricultural Land Board it should be announced on the bulletin board of the City Hall or the Cho-Son Office.

ARTICLE THIRTY EIGHT. The word concerned Minister which is used in the Special Measure for the Establishment of Owner-Farmers shall be changed to the Minister of Agriculture.

ARTICLE THIRTY NINE. The Minister of Agriculture when he deems it especially necessary in regards to the establishment of Owner-Farmer can delegate authority to the local governor or to the Central Agricultural Land Board to handle matters originally handled by the To-Do-Fu-Ken Agricultural Land Board as determined by the Imperial Ordinance.

In regards to these matters which were delegated to the local governor and to the To-Do-Fu-Ken Agricultural Land Board as specified in the preceding paragraph, the Minister of Agriculture shall deal with these matters which were delegated to the local governor as determined by the Imperial Ordinance.

ARTICLE FORTY. The regulations in regards to the Shi-Cho-Son Agricultural Land Board mentioned in the Imperial Ordinance shall be applied by the District Agricultural Land Board to the Shi-Cho-Son districts where the District Agricultural Land Board is established. In this event, "the Shi-Cho-Son Agricultural Land Board established in the neighboring Shi-Cho-Son concerned" of Article Two shall be changed to the "Shi-Cho-Son Agricultural Land Board established in the neighboring Shi-Cho-Son concerned or the District Agricultural Land Board established in the neighboring district of the district concerned.

ARTICLE FORTY ONE. The regulations in regards to the Cho-Son in the Imperial Ordinance shall apply to all of the town and village office, business offices or to the Cho-Son association in places where town and village office business affairs are managed jointly by the Cho-Son association while at places where the Cho-Son system does not exist the next in line shall take charge. Regulations concerning cities, shall be applied to the words of Tokyo Metropolis and the governor designated wards of Kyoto, Osaka, Yokohama, Nagoya and Kobe cities respectively.

Supplementary Regulations

ARTICLE FORTY TWO. This Imperial Ordinance shall be enforced from the 29th of December 1946.

ARTICLE FORTY THREE. When tenant farmers who have been engaged in farming as of November 23, 1945 made a request to the Shi-Cho-Son Agricultural Land Board that the agricultural land purchasing plans should be established based on the regulation in Paragraph Two of the Supplementary Regulations on the Special Measure for the Establishment of Owner-Farmers in regards to the agricultural land concerned, the Shi-Cho-Son Agricultural Land Board in respect to the agricultural land must according to the regulation of the same paragraph establish the agricultural land purchasing plans based upon the conditions prevailing on 23rd November 1945.

End 2

Agricultural Land Adjustment Law

Article 1

This Law has for its object the adjustment of relations as between the agricultural land for the purpose of stabilizing the status of cultivators and maintaining and promoting the agricultural productive power.

Article 2

The agricultural land within the purview of this Law is a land which is employed for cultivation.

The farm-rent within the purview of this Law is a rent for the lease of an agricultural land, in case such land is leased for cultivation (including a rent for the lease of any land other than agricultural or of any building or other structure, in cases where such land, building or structure is leased as accessory to an agricultural land and where such rent is inseparably contracted for with the rent for the lease of an agricultural land), or a rent for an emphyteusis in case such is created for purposes of cultivation.

Article 3

Where the owner or cultivator of an agricultural land cannot

himself cultivate or administer the land by reason of illness or by any other cause as specified by order, he may make an application asking for a ministration or purchase of the land to the Cities, Towns or Villages, Agricultural Associations, of Cities, Towns or Villages or such other associations as may be specified by orders.

The associations mentioned in the preceding paragraph may, in response to the application made in compliance with the provisions of the said paragraph, administer or purchase the land in accordance with the rules established by order.

Article 4

The creation or transfer of the ownership, lease, superficies or other right in the agricultural land shall not be made unless the party obtains the permission of the prefectural governor or the approval of the Agricultural Land Commission of a City, Town or Village concerned in accordance with the provisions of order.

The permission or approval mentioned in the preceding paragraph may be subject to a condi-

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ERRATA

農政司農地部 正誤表

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農政司農地部

| Art. | Para. | Ln. | Misprinted | Rectified |
|-------|-------|-----|-------------------------------------|---|
| 1 | | 3 | land | lands |
| 1 | | 5 | and | as well as |
| 3 | 1 | 10 | Associations, of | Associations of |
| 4 | 3 | 3 | that | the first |
| 6-4 | 2 | 2 | a | no |
| 9-5 | 3 | 4 | modification | modifications |
| 9-8 | 2 | 11 | and of 15 | and 15 |
| " | 3 | 4 | provisions | provisions of |
| " | 4 | 4 | by an Imperial | by Imperial |
| 9-10 | | 6-7 | emphytheusis the | emphytheusis, caution money, irrigation, and |
| 10 | 2 | 3 | tenancy, is | tenancy is |
| 14 | | 1 | the Court intends | the Court in accord- ance with the provisions of Article 12 or the preceding Article, intends |
| 14 | | 12 | Metropolis the Territory special | Metropolis, the Territory , Special |
| 15 | 2 | 9 | law | laws |
| 15-4 | 1 | 1 | no person | any person |
| 15-13 | 2 | 14 | by an Imperial | by Imperial |
| 15-14 | 3 | 5 | coopted | co-opted |
| 15-16 | | 12 | person | persons |

| Art. | Para. | L. | Misprinted | Rectified |
|--------------|-------|-------|--|---|
| 15-15 | | 16-19 | (cross out) | Minister" and "the Article 15-2 Para. 8." shall read "Item 4 of Para. 3 of Article 15-14" |
| 16 | | | (cross out Para. 2 and Para 3 begins as follows) | 2. Acquisition of lands by a person conducting |
| 17 | | 10 | document, or other property | documents, or other properties |
| 17-2 | 1 | 2 | a city. Town | a City. Town |
| 17-2 | 1 | 11 | by an imperal | by imperal |
| 17-2 | 2 | 6 | ditto | ditto |
| 17-2 | 4 | 2 | Commissions | Commission |
| 17-2 | 4 | 3 | Village. | Village, |
| 17-2 | 4 | 4 | Para 8 shall | Para 8. shall |
| 17-2 | 4 | 8 | Paragraph | Paragraph |
| 19 | 1 | 2 | are | at |
| 19 | 2 | 1 | Article 5 | Article 5 |
| 19 | 2 | 6 | preceding | preceding |
| 20 | | 14 | noties | noties |
| 21 | | 2-3 | 11 to 14. Indus. 2 shall | 11 and 14 shall |
| 22 | 4 | 1 | 9 of the | 9 of the said Article of the |
| 22 | 4 | | The non numbered 9 then follows | |
| And Revision | | | | |
| 4 | 2 | 8 | the provision | the amended provision |
| 4 | 2 | 9 | 15 to 15-18 | 15 to 15-18 |
| 4 | 2 | 11 | by an Imperial | by imperal |

| Art | Para | L | Misprinted | Rectified |
|---------------------------|------|---|---|---------------|
| 5 | 1 | 3 | Land Rule | Land Value |
| Add. Provisions (p.20) | | | (Law No.) | (Law No. 194) |
| | 2 | 3 | by an Imperial | by Imperial |
| 22 | 4 | | The Item numbered 9 is, as follows. | |
| | 9 | | Resistration of the aquisition of hypothecs | |

for the loan made by a person to associations mentioned in Articles 3 and 4 of the Agricultural Adjustment Law or to persons administrating projects mentioned in Article 6 and 19 for the requirement for management of projects as mentioned in Articles 3, 4, 6 and 19 of the said Law.

tion or conditions as the case may be.

The acts done without the permission or the approval mentioned in that paragraph shall be devoid of effect.

Article 5

The provisions of the preceding Articles shall not apply in any of the following cases:

1. Where any of the associations mentioned in Article 3 acquires any of the rights mentioned in the preceding Article for the purpose of carrying on the project mentioned in Article 3;
2. Where one of the parties to the acquisition of rights mentioned in the preceding Article is the State, the Metropolis, the Territory, a Special Prefecture, a Prefecture, or an Agricultural Land Development Corporation;
3. Where an agricultural land is requisitioned under the Land Expropriation Law or any other law or ordinance;
4. Any other cases specified by order.

Article 6

If the owner, lessee, emphyteuta of the agricultural land or person who may cultivate the land on the ground of other title intends to use such agricultural land for purposes other than cultivation,

he shall obtain the permission of the prefectural governor in accordance with the provisions of order.

The permission mentioned in the preceding paragraph may be subject to a condition, or conditions as the case may be.

Article 6-2

Except in the case mentioned in Article 6-4, no contract shall be entered into in relation to the value of an agricultural land nor payment made nor the purchase price received thereunder, in which such value exceed the rental value of the Land as fixed under the Land Tax Law multiplied by such rates as may be specified by the Minister in charge; provided, however, that this shall not apply where either the transferor or the transferee has obtained, in compliance with the rules established by order, permission of a prefectural governor, or in such cases as may be specified by order.

When the Minister in charge has determined the rates mentioned in the preceding paragraph, he shall notify them publicly.

The provisions of para. 1 of this Article shall not apply to any contract of conveyance subsisting with respect to an agricultural land at the time of the public notification mentioned in the preceding paragraph, for which

registration has already been effected of the transferee's rights in the agricultural land concerned, or under which delivery of the land has been completed.

Article 6-3

If deemed specially necessary in cases where an application has been made by the Agricultural Land Commission of a City, Town or Village, a prefectural governor may determine, after hearing the opinion of the Agricultural Land Commission of the Metropolis, the Territory, the Special Prefecture or the Prefecture, as the case may be, such rates as are to be substituted for those prescribed in para. 1 of the preceding Article or an amount to be substituted for the amount prescribed in the said paragraph on any basis other than that prescribed in that paragraph, which shall prevail in the area with respect to which the above-mentioned application has been submitted.

When the prefectural governor has determined, in compliance with the provisions of the preceding paragraph, any rate or amount, he shall notify it publicly.

In case a public notification has been made in compliance with the provisions of the preceding paragraph, the rate or amount publicly notified shall be deemed to be the rate or amount prescribed in the preceding Article.

Article 6-4

In the conveyance of an agricultural land, of which the rental value has not been determined under the Land Tax Law either the transferor or the transferee shall obtain, in compliance with the rules established by order, the approval of the prefectural governor with regard to the value of such land.

In the case mentioned in the preceding paragraph, a contract shall be entered into in relation to the value of agricultural land nor payment made nor the purchase price received thereunder in which the value is in excess of the sum approved in accordance with the provisions of the said paragraph.

Article 7

With respect to owner-farmer lands established or maintained in accordance with the project for establishing and maintaining as prescribed by order, registration shall be effected to that effect.

The fact that a land is an owner-farmer land established and maintained in accordance with the project for establishing and maintaining owner-farmers provided for in the preceding Article, cannot be set up against a third person, unless registration to that effect is effected in compliance with the provisions of the preceding paragraph.

The necessary particulars for the registration mentioned in Para. 1. of the present Article shall be determined by an Imperial ordinance.

Article 8

The lease of agricultural lands, after the delivery of such lands shall be available against any person who acquires any real right therein, notwithstanding that the lease has not been registered.

The provisions of paras. 1 and 3, Article 566 of the Civil Code shall apply with the necessary modifications in cases where agricultural lands, which were leased but not so registered, form a subject matter of the contract of sale.

The provisions of Article 533 of the Civil Code shall apply with the necessary modifications in the case mentioned in the preceding paragraph.

Article 9

A lessor of agricultural lands cannot terminate or rescind the lease or refuse its renewal, unless there is on the part of the lessee any act against good faith such as any failure to pay rent without any extenuating circumstance; provided, however, that this shall not apply where the object for the use of land is changed, or where the operation of the land by the lessor himself is deemed

reasonable, or where there exist any other just cause.

If, in cases where the period of the lease of agricultural lands has been determined by the parties, one of the parties fails to notify the other party that he will not effect renewal, or that no renewal shall be made unless the conditions of the lease be altered within six months to one year prior to the expiration of the period of lease, a new lease shall be deemed to have been made with the same conditions as the existing lease; provided, however, that this shall not apply in cases where it is clear that the lease has provisionally been granted in view of some special circumstances such as the inability of the lessor to operate the farm himself by reason of his illness.

Where a party to the lease of agricultural lands intends to terminate or rescind the lease or to refuse its renewal, an approval of the Agricultural Lands Commission of City, Town or Village shall be obtained, in compliance with the rules established by order.

The acts done without the approval mentioned in the preceding paragraph shall be devoid of effect.

Such conditions of farm tenancy not in conformity with the provisions of para. 2 of this Article or of Articles 617 and 618 of the

Civil Code, which are disadvantageous to the lessee, shall be deemed not to have been agreed upon.

Article 9-2

No contract shall be entered into in respect of farm-rent nor payment made nor farm-rent received thereunder, in which a farm-rent is made payable in kind or its amount is determined on the basis of objects other than money, provided, however, that this shall not apply, if in cases where an obligation on farm-rent is already due, the obliger effects performance other than payment in money with the consent of the obligee.

With respect to any contract which is in contravention of the provisions of the preceding paragraph, it shall be deemed that the contract has been entered into with a farm-rent as converted into money in compliance with the rules established by order or subject to conditions of reduction and exemption (where the farm-rent as converted into money proves to be disadvantageous to the lessee or emphyteuta or the conditions of reduction and exemption mentioned in the Items mentioned in Article 9-3, the amount of farm-rent or the conditions of reduction and exemption mentioned in each of the Items mentioned in the said Article).

Article 9-3

No contract shall be entered into in respect of farm-rent nor payment made nor farm-rent received thereunder, in which the amount of such farm-rent or the conditions of reduction and exemption thereof are more disadvantageous to the lessee or emphyteuta of an agricultural land as compared with the amount of farm-rent or the conditions of reduction and exemption thereof mentioned in any of the Items mentioned below; provided, however, that this shall not apply in cases where the owner or lessee of the agricultural land obtains, in compliance with the rules established by order, the permission of the prefectural governor in special circumstances.

1. With respect to an agricultural land for which the fixed rate of farm-rent prevails at the time of the repeal of the Farm-Rent Control Ordinance, the said rate or the conditions of reduction and exemption (with respect to the amount or the conditions of reduction and exemption of any farm-rent which is payable in kind or which has been determined on the basis of objects other than money, the rate of farm-rent as converted into money in compliance with the rules established by order or the conditions of reduction or exemption thereof);

2. With respect to agricultural lands other than these mentioned in the preceding Item, the amount or the conditions of reduction and exemption of the farm-rent designated for the first time after the repeal of the Farm-Rent Control Ordinance.

Article 9-4

If deemed necessary, an Agricultural Land Commission of a City, Town or Village may, with the approval of the prefectural governor, determine the amount of farm-rent or the conditions of reduction and exemption to be substituted for the amount of farm-rent or the conditions of reduction and exemption thereof mentioned in each of the Items under the preceding Article, with respect to agricultural lands situated in the City, Town or Village.

When a prefectural governor intends to grant an approval as mentioned in the preceding paragraph, he shall hear the opinion of the Agricultural Land Commission of the Metropolis, the Territory, the Special Prefecture or the Prefecture.

When a prefectural governor has granted an approval as mentioned in para. 1 of the present Article, he shall notify it publicly in compliance with the rules established by order.

When a public notification has been effected in compliance with the provisions of the preceding paragraph, the amount of farm-rent or the conditions of reduction and exemption which has been notified shall be deemed to be the amount of farm-rent or the conditions of reduction and exemption mentioned in each of the Items of the preceding Article.

The provisions of the preceding four paragraphs shall apply with the necessary modifications in cases where the amount of farm-rent or the conditions of reduction and exemption which has been notified is to be altered.

Article 9-5

Where the amount of farm-rent or the condition of reduction and exemption prescribed in the preceding two Articles is deemed to be grossly unreasonable, the government authorities may determine the amount of farm-rent or the conditions of reduction and exemption to be substituted for those prescribed in each of the Items of Article 9-3.

When a prefectural governor intends to determine the amount of farm-rent or the conditions of reduction and exemption in compliance with the provisions of the preceding paragraph, he shall hear the opinion of the Agricultural Land Commission of the Metropolis, the Territory, the

Special Prefecture or the Prefecture.

The provisions of paras. 3 to 5 inclusive of the preceding Article shall apply with the necessary modification in the case mentioned in para. 1 of the present Article.

Article 9-6

The provisions of the preceding two Articles shall not apply in respect of the amount of farm-rent or the conditions or reduction and exemption specified by a decision of the Court, a compromise in Court, or a conciliation under the Farm Tenancy Conciliation Law.

Article 9-7

The provisions of Articles 9-2 to 9-6 inclusive shall apply with the necessary modifications to the conditions of deposit money, money or grain furnished by way of compensation, costs of repairs, irrigation or drainage, and of any contract of lease or emphyteusis of agricultural lands or of any contract accessory thereto other than the amount of farm-rents or the conditions of reduction and exemption.

Article 9-8

In cases where the amount of farm-rent exceeds the amount corresponding to the fixed ratio to the price of rice which is normally produced in respect to

the paddy-field or to the price of main product which is normally produced in respect to the field, the lessee or emphyteuta of the agricultural land may demand to the lessor or owner of the said agricultural land, the reduction of farm-rent down to the amount corresponding to such fixed ratio.

The fixed ratio mentioned in the preceding paragraph shall be determined by the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture according to the criterion determined by the Central Agricultural Land Commission; provided however that it shall not exceed 25 percent in respect to the paddy-field and of 15 percent in respect to the field.

In addition to those provided in the preceding paragraph, any such matters as may be necessary for the execution of the provisions para. 1 shall be provided by order.

The rules and regulations concerning the Central Agricultural Land Commission shall be provided by an Imperial Ordinance.

Article 9-9

An act evasive of the restrictions imposed by the provisions of Article 6-2 para. 1, Article 6-4 para. 2, Article 9-2 para. 1, or Article 9-3 (inclusive of cases where the provisions apply mutatis mutandis by virtue of Article 9-7) shall not be permissible.

irrespective of the name under which the act is perpetrated.

Article 9-10

In respect to the contract of lease or emphytheusis, which has for its object the cultivation, the amount of farm-rent, terms of its payment, terms of reduction, duration of lease or emphytheusis the outlay of repair expense, drainage expense and beneficial expenses, and other content of the contract shall be clearly stated in writing.

Article 10

If deemed necessary for public welfare, a Farm Tenancy Officer may apply for a conciliation proceeding under the Farm Tenancy Conciliation Law for the settlement of any dispute relating to farm tenancy.

The Court, in which an action regarding any dispute regarding farm tenancy, is pending may, of its own motion, refer the matter to the conciliation proceeding under the Farm Tenancy conciliation Law, after hearing the opinion of the Farm Tenancy officer.

Article 11

If deemed necessary for the conciliation proceeding under the Farm Tenancy Conciliation Law, the Court may, of its own motion, make a necessary order by way of

preliminary measures for the conciliation proceeding, after hearing the opinion of the Farm Tenancy officer.

The decision in pursuance of the preceding paragraph shall be made by the Court in which the conciliation case is pending in compliance with the provisions of the Non-Contentious Matters Procedure Law.

A person who acts in violation of the decision made in pursuance of Para. 1 of the present Article may be made liable by the Court in which the conciliation case is pending, to an administrative fine not exceeding five hundred yen.

The provisions of Articles 207 and 208 of the Non-Contentious Matters Procedure Law shall apply with the necessary modifications to the administrative fine prescribed in the preceding paragraph.

Article 12

In case where the conciliation under the Farm Tenancy Conciliation Law has not been successful, the Court may, if deemed proper, of its own motion after hearing the opinion of the Farm Tenancy Officer and the conciliation commissioners, make a decision in lieu of conciliation as may be necessary for the settlement of the dispute, relative to the continuance of the farm tenancy, alteration of the conditions of the

tenancy, and any other matter, equitably balancing the interests of both of the parties and taking all circumstances into account. In such a decision, the Court may also order the payment of farm rent, delivery of the farm, or any other performance of a proprietary character.

The provisions of Para. 2 of the preceding Article shall apply with the necessary modifications to the decision mentioned in the preceding paragraph.

A motion may be made against the decision mentioned in Para. 1 of the present Article; the period within which such motion is permissible is two weeks.

The motion mentioned in the preceding paragraph shall have the effect of staying execution.

The decision provided for in Para. 1 of the present Article shall, when it becomes final and conclusive, have the same effect as a compromise in Courts.

Article 13

Where disputes other than those relative to tenancy, arise with respect to the use of agricultural lands such as regarding relations between adjacent owners, parties thereto may apply to the Court for conciliation; in such cases the provisions of the Farm Tenancy Conciliation Law and of Articles 10 to 12 inclusive of this Law

shall apply with the necessary modifications.

Article 14

Where the Court intends to make any decision necessary for the settlement of any dispute regarding the continuance of the farm tenancy or alteration of the conditions of tenancy, the Court may, if deemed necessary, hear the opinion of the Agricultural Lands Commission of the City, Town, or Village, or of the Agricultural Lands Commission of the Metropolis the Territory Special Prefecture or Prefecture.

Article 15

There shall be an Agricultural Land Commission in Cities, Towns and Villages.

The Agricultural Land Commission of a City, Town or Village shall be under the supervision of the prefectural governor, and manages the following matters:

1. Matters falling within the scope of its powers by virtue of the provisions of this Law and other law;

2. Any other matters relating to the adjustment of agricultural lands as specified by an Imperial ordinance.

Article 15-2

The Agricultural Land Commission of a City, Town or Village