

GHQ/SCAP Records (RG 331, National Archives and Records Service)

Description of contents

(1) Box no. **3032**

(2) Folder title/number: **(17)**
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(3) Date: **Jan. 1951 - Mar. 1951**

(4) Subject:

Classification	Type of record
520, 721	e

(5) Item description and comment:

(6) Reproduction: Yes No

(7) Film no.

Sheet no.

(Compiled by *National Diet Library*)

SUBJECT: In regard to a foreigners' divorce procedure in Japan.

Concerning to the problem said in subject Japanese court has no jurisdiction.

REASONS:

1. Imperial Ordinance concerning the special instances of the right of civil justice pertaining to the orders to be issued in accordance with the Potsdam Declaration. (Imperial Ordinance No. 273. 14 May, 1946)

Article 1. All courts will exercise no civil jurisdiction with respect to United Nations nationals or organizations attached to or accompanying the Allied Occupation Forces.

Civil claims against such persons or organizations will be presented to the Minister of Justice, who, if he believes the claims to be meritorious and supported by good and sufficient evidence, will forward them to the Supreme Commander for the Allied Powers.

Article 2. Should the Supreme Commander for the Allied Powers (including his authorized representatives the same applies correspondingly to the following parts) have given directions as to such steps as modification of decision or other dispositions, against decisions in any civil case in which United Nations nationals or organizations neither attached to nor accompanying the Allied Occupation Forces are parties, the court which had rendered such steps, by a ruling as are deemed necessary for carrying out matters ordered by the directions, including modification of such decision. The same applies to decisions in civil case, to which United Nations nationals or organizations neither attached to nor accompanying the Allied Occupation Forces have become successors or in which they are interested.

Those steps mentioned in the foregoing paragraph may be taken irrespective of the provisions of other laws and ordinances.

The code of proceedings in non-action cases applies to rulings referred to in the first paragraph.

No complaint may be made against rulings mentioned in the first paragraph.

2. Law concerning the application of laws.

Article 16. Divorce is governed by the law of the husband's country at the time when the facts forming the ground for divorce arose; but the Court cannot decree a divorce, unless the facts forming the ground for divorce are also recognized as such by Japanese law.

Notice: Judicial separation is not recognized by Japanese law.

File

HEADQUARTERS
CHUGOKU CIVIL AFFAIRS REGION
APO 182
BUCK SLIP

1951

FROM: ~~Chief~~ *L&G sect*

TO : (NUMERICALLY) (INITIAL THRU YOUR NUMBER)

<u>1</u>	CHIEF <i>(9)</i>	ECON.
<u>2</u>	DEPUTY	<u>3</u> L&G
	ADM ASST	CI
	CHIEF CLK	CE
	PERS/IND L	PH
	SP O CLK	PW
	SUP/HQ CMD	TRANS
	MC	MESS
	APO 182	CA ANNEX

FOR: _____ SEE ME

- _____ ACTION 1 INFORMATION
- _____ COMMENTS _____ APPROVAL
- _____ SIGNATURE _____ PROOF READING
- _____ FWDG IND _____ LTR REPLY
- 1 YOUR COPY _____ CENTRAL FILES
- MIMEOGRAPH IN _____ COPIES

REMARKS:

1 copy extracted for chief's file

HEADQUARTERS
CHUGOKU CIVIL AFFAIRS REGION
APO 182

23 March 1951

SUBJECT: Divorce of Japanese Nationals

TO : Chief, Chugoku Civil Affairs Region

1. References

- a. Civil Code
- b. Family Registration Law
- c. Regulation for the enforcement of Family Registration Law

2. In Japan, Nations are not required to take Legal proceedings to effect a divorce if by mutual consent. (Article 763 of Civil Code)

3. If divorce is by mutual consent, all that is required is compliance to Article 76 of the Family Registration Law and Article 57 of the Regulation for the Enforcement of the Family Registration Law.

4. Article 733 of the Civil Code states that "A woman may not remarry unless six months have elapsed from the day of the dissolution or annulment of her previous marriage.

1 Incl:
From divorce to
remarry

U. S. Grant Bauguess
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Chief
Legal & Government Section

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1 Incl:
From divorce to
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U. S. GRANT BAUGUESS
Chief
Legal & Government Section

March 23, 1951
L & G Section

SUBJECT: From divorce to re-marry.

1. Divorce.

* Civil Code

Article 763. Husband and wife may effect by agreement divorce.

Article 770. Husband or wife can bring an action for divorce only in the following cases:

1. if the other spouse has committed an act of unchastity;
2. if he or she has been deserted maliciously by the other spouse;
3. if it is unknown for three years or more whether the other spouse is alive or dead;
4. if the other party is attached with severe mental disease and the recovery from it is hopeless;
5. if there exists any other grave reason for which it is difficult for him or her to continue the marriage.

Even in cases where any or all of the grounds mentioned in Items numbered 1 to 4 inclusive of the preceding paragraph exist, the Court may dismiss the action for divorce, if it deems the continuance of the marriage proper in view of all the circumstances.

Article 765. The notification of divorce may not be accepted unless the divorce does not contravene the provisions of Article 739, paragraph 2 and Article 819, paragraph 1 and of other laws or ordinances.

The validity of divorce shall not be affected even in cases where the notification of divorce has been accepted in contravention of the provisions of the preceding paragraph.

Article 764. The provisions of Articles 738, 739 and 747 shall apply with the necessary modifications to a divorce by agreement.

REFERENCE:

Article 739. A marriage becomes effective by notification thereof in accordance with the provisions of the Law concerning registration of families.

The notification mentioned in the preceding paragraph must be made by both the parties and two or more witnesses of full age either orally, or by a document signed by them.

Article 767. A husband or a wife who has changed his or her surname by reason of marriage, resumes, by reason of divorce by agreement, the surname which he or she had assumed before the marriage.

2. Notification of Divorce.

* Family Registration Law.

Article 76. A person who wished to divorce shall state the following particulars in the written notification and give the notification to that effect:

1. The full names of the party who is determined to exercise the parental power and of the child subject to such parental power;
2. Other matters as specified by ordinance.

* Regulation for the Enforcement of the Family Registration Law.

Article 57. The particulars contemplated in Article 76, item numbered 2 of the Family Registration Law shall be fixed hereby as follows:

1. The statement to the effect that the divorce is a divorce by agreement;
2. If either or both of the parties has or have not Japanese nationality, the statement of that effect;
3. The designation of the Metropolis, Circuit, Special Prefecture or Prefecture within which the parties were born (if the place of the birth is in a foreign country, the name of that country);
4. The professions of the parties;
5. The district within which the parties' domicile was at the time of their divorce and the period of time during which they have continuously in the district;
6. The date of the marriage and the designation of the Metropolis, Circuit, Special Prefecture or Prefecture within which the registered localities of the parties were at the time of the marriage, and if either or both of the parties has or have not Japanese nationality the statement of that effect;
7. If the marriage was solemnized, the date on which and the district within which the solemnization was effected;
8. The number of times of the divorces effected by either or both of the parties (including the divorce of which the notification in question is given);
9. The number of the children born between the parties and the number of such children under eighteen (18) years of age alive at the time of the divorce;
10. The educational grades of the parties;
11. The date on which the cohabitation of the parties was discontinued;
12. The full name of the parties father and mother, and if any of the parties is an adopted child the full names of the parents by adoption.

3. Re-marry limits.

* Civil Code

Article 733. A woman may not re-marry unless six months have elapsed from the day of the dissolution or annulment of her previous marriage.

In case a woman is pregnant from before the dissolution or annulment of her previous marriage, the preceding paragraph shall cease to apply as from the day of her delivery.

Article 732. A person who has a spouse may not contract an additional marriage.

* Criminal Code.

Article 184. Whosoever, being lawfully married, shall have contracted another marriage shall be punished with penal servitude for a period not exceeding two years. The same penalty shall be imposed upon the other party to the marriage.

4. Re-marry

* Civil Code.

Article 739. A marriage becomes effective by notification thereof in accordance with the provisions of the law concerning registration of families.

The notification mentioned in the preceding paragraph must be made by both the parties and two or more witnesses of full age either orally, or by a document signed by them.

* Family Registration Law.

Article 74. A person who wishes to effect marriage shall state the following particulars in the written notification and give the notification to that effect:

1. The surname assumed by husband and wife;
2. Other matters as specified by ordinance.

* Regulation for the Enforcement of the Family Registration Law.

Article 56. The particulars contemplated in Article 74, item numbered 2 of the Family-Registration Law shall be fixed hereby as follows:

1. If either or both of the parties has or have not Japanese nationality, the statement of that effect;
2. The designation of Metropole, Circuit, Special Prefecture or Prefecture within which the parties were born, (if the place of the birth is in a foreign country, the name of that country);
3. If the marriage was solemnized, the date on which and the district within which the solemnization was effected, the professions of the parties and the districts within which the domiciles of the parties were at the time of the solemnization as well as the period of time during which they have continuously resided in the districts;
4. If the marriages the manners and the number of times of their dissolutions, and with respect to the next former marriage the date of its dissolution;
5. The educational grades of the parties;
6. The full names and the registered localities of the parties' father and mother as well as the designation of the Metropole, Circuit, Special Prefecture or Prefecture within which they were born (if the place of the birth is in a foreign country, the name of that country);

7. If any of the parties is an adopted child, the full names and the registered localities of the parents by adoption.

* Civil Code.

Article 740. The notification of marriage may not be accepted unless the marriage does not contravene the provisions of Article 731 to 737 inclusive and paragraph 2 of the preceding Article, and of other laws or ordinances.

* Regulation for the Enforcement of the Family Registration Law.

Article 63. On the occasion of accepting a notification or an application, a City mayor, Town headman or Village headman may, if it is necessary to do so for making entry in a Family-Register or for investigation, require the presentation of the full copy of or the abstract from a Family-Register or other papers.

HEADQUARTERS
CHUGOKU CIVIL AFFAIRS REGION
APO 182

C/GB/kw
16 February 1951

SUBJECT: Local Tax Law

TO : Chief
Liaison Section
Local Finance Commission
Local Autonomy Agency
Tokyo, Japan

1. At present this section is working with Local Tax Officials throughout Chugoku Region on local tax problems.
2. The fact that there is only one English version of subject law available in this headquarters has proved a handicap in this section's work.
3. If additional copies of said law, published by your office are available, request that we be sent one at your earliest possible convenience.
4. This section will gladly pay for above mentioned if there is any charge involved.

U. S. GRANT BAUGUESS
Chief
Legal & Government Section
Chugoku Civil Affairs Region

Subject : Local Tax Law

To : Chief

Legal & Government Section

Chugoku civil Affairs Region

1. This section sends gladly two copies of Local Tax Law and Bill for Partial Amendment to Local Tax Law on your requesting
2. Bill for Partial Amendment to Local Tax Law is now under discussion at the 10th Diet.
3. This section will not claim no charge.

Chief

Do, Fu and Prefectures Taxation Section

Executive Office of Local Finance Commission

Subject : Local Tax Law

To : Chief

Legal & Government Section

Chugoku civil Affairs Region

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Chief

Do, Fu and Prefectures Taxation Section

Executive Office of Local Finance Commission

Fukada

814

January 4, 1951

SUBJECT: Abolition, Separation and Amalgamation of Fukada-mura
TO : Chief, Chugoku Civil Affairs Region

In answer to your request through phone of the above-mentioned subject we hereby cordially report you as follows:

Prefectural Agenda No. 147

1. Name of agenda: On abolition, separation and amalgamation of city and village

A decision of the Prefectural Assembly is sought concerning the abolition of Fukada-mura and consequently the amalgamation of its Hisayamada Section to Onomichi City and Fuka Section to Mihara City in accordance with the Local Autonomy Law (1947 Law No. 67), Art 7, Para. 1.

2. Date of introduction of agenda: Dec. 23, 1950.

3. Status of discussion:

a. On Dec. 24 the investigation of the agenda was committed to the Administrative District Revision Special Committee which was to report its result to the Regular Assembly Session of Dec. 25.

b. On Dec. 25 the said Committee asked for the presence of the chief of Local Section and two others at its meeting and heard their detailed explanation concerning the agenda and had a deliberate discussion together but no conclusion was reached. So the Committee itself decided to continue the all-out investigation through the period of the Session and reported the matter to Regular Session of Dec. 25.

c. The Committee Chairman's report was introduced as agenda to the Regular Session of Dec. 25 and a decision was made unanimously to commit the matter to the Committee for continuous investigation during the period of the Session.

4. Status of petitions:

On Aug. 26 both Fukada-mura Headman Juro Norikane and his opponent Taro Kajitani, representative of Lower Group of Fuka Section of Fukada-mura, presented petitions, and on Oct. 2 the Fukada-mura Headman presented his second petition. Furthermore

Mihara City presented a petition saying that it was ready to accept the proposal at any time. However, the matter was reserved until the opening of the December Session of the Assembly; thus upon its opening on Dec. 23 this was introduced as said above as Pref. Agenda No. 147 and was committed to the Special Committee for detailed investigation.

.....
DENICHI KODANI
Chairman
Hiroshima Prefectural Assembly

WITHDRAWAL NOTICE

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation RG331 BOX 3032 FOLDER: 014-
CIVIL MATTERS
 Date 9 JAN 57
 From RE.: INTERVIEW WITH MR. KAKUI
 To _____

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

- Security-Classified Information
- Otherwise Restricted Information

FOIA 6

Authority

6/9/80

Date

MJG
NNGR