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DOMESTIC RELATIONS COURT HANDLES FAMILY TROUBLES

New Body Seeks Amicable Settlement Through Justice, Warmth of Heart

Aug. 12
N.T.

By TETSUICHI KURASHIGE

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"The rigors of 'horitsu banno' (law is everything) will be reduced to the minimum," declared Judge Seiroku Kawai, one of the judges of the newly created court of domestic relations in Tokyo. Then, as if he might have made too broad a statement he qualified his words. "Of course, we can't ignore any specific legal provision. We try to harmonize the law with the circumstances of each particular case. If a case calls for a strict application of the law, then we shall not hesitate to do so."

The Court of Domestic Relations (Kaji Shimpan Sho) was established on January 1 this year, as a division of the district court. It has jurisdiction in such matters as marriage, divorce, marital property, custody of children, parental right, legal incompetency, disappearance, insanity, management and disposition of absentee's property, adoption, duty of support, resumption of cohabitation, inheritance, guardianship, dispute between relatives over lease of land or house, and cases which pertain to personal status. All told there are 276 courts throughout the country.

A check on the subject reveals that this court is not a post-surrender innovation designed to meet the cry for democracy. Since July 1919, the need for the revision of the Civil Code to "preserve the family system" was started. This was followed by the drafting of the revisions in the family and succession laws. The Temporary Legislative Council (Rinji Hosen Shingikai) made a recommendation to the government for the creation of a court of domestic relations to implement these revisions. The Council recommended that family disputes should not be settled through legal process but rather should be "settled amicably on the basis of justice and warmth of heart." The government accordingly accepted this recommendation.

Stopped by War

But before action could be taken the unsettled political condition within the country retarded the work. Therefore, as a stopgap measure, the Personal Matters Mediation Law (Jinji Chotei Ho) was enacted on March 17, 1939, under which family disputes might be settled by mediation. As will be adverted to later, this mediation law was imperfect, and parts of it had to be repealed or revised. Then the war brought about

a new look on the country's political, social and economic aspects.

As for the social phase the new Constitution, inter alia, provides that "laws shall be enacted considering the choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family system from the standpoint of individual dignity and the essential equality of the sexes." Accordingly the pertinent sections of the Civil Code in conflict with the con-

stitutional provision were repealed or revised. The revisions relating to family relations were also implemented by the enactment of the Law of Domestic Relations and the creation of a court coordinating it.

The Law of Domestic Relations is based on the "individual dignity and the essential equality of the sexes in order to bring about peace of the home and to preserve a sound common livelihood of the family." The law contains 29 articles setting forth the basic principles and some supplemental provisions, but the Supreme Court exercises supervisory power over the court of domestic relations.

Procedure Simple

Denial of justice, which is the common criticism of the masses levelled at the ordinary courts, is likely to be soft-pedalled because the procedure is simple, non-technical, flexible, inexpensive, informal and expeditious. Another feature which reacts favorably in popularizing the court is the holding of sessions behind closed doors, thus protecting the right of privacy. To shut out morbid curiosity seekers and scandal-mongers is desirable in cases involving family matters. Only the judge, mediators, consultants (sanyo), lawyers, litigants, clerks and witnesses are allowed in the court room during a trial or mediation proceedings.

Since the procedure is conducted in a simple non-technical manner a suitor need not hire a lawyer if he does not wish to do so. "Every man is his own lawyer" would not be a dangerous axiom to follow in the court of domestic relations. A litigant is always at liberty to seek free legal advice at the court. During the six months ending June there were 10,934 cases involving legal consultations. In Tokyo about 80 per cent of the cases have been handled by the court without the intervention of lawyers.

from among persons of good character and understanding, or from among persons who have been specially selected by mutual agreement of the parties to a dispute. The selection of mediators need not be passed upon by the Court of Domestic Relations Committee as is required in the case of the consultants. There are 150 men and 70 women mediators attached to the Tokyo court of domestic relations.

Mediators Do Not Advise

The mediators, unlike the consultants, do not act in an advisory capacity. They are members of the mediation board. Their decision is based on a majority rule, but in case

impeachment, and government officials are disqualified to act as consultants.

In selecting the consultants the district court seeks the opinion or advice of the Court of Domestic Relations Committee which is composed of not more than 20 members. This committee exists within every district court, and is made up of judges, procurators, lawyers, governors, mayors, and heads of towns or villages, and men of learning and experience. The committee is a consultative organ of the district court, but does not concern itself with trial or mediation conducted by the court of domestic relations. The mediators are chosen by the district court every year

majority of whom are lawyers.

In a way the presence of lawyers may be desirable since the consultants must grapple with legal problems. On the other hand, law consultants

will invariably resort to common sense and human understanding, which are equally important as legal knowledge in solving many of the delicate domestic troubles.

There shall be at least 20 consultants attached to each court of domestic relations. Persons who are legally incompetent, with prison records public officials who have been dismissed by disciplinary action without two years having elapsed since such dismissal, judges re-

with the judges. Judges or lawyers who have had more than 10 years of actual experience, or were engaged in the practice of the law are eligible for judgeship.

Consultants are selected by the district court from among the citizens in all walks of life, professions, and occupation who serve for a term of one year. The candidates need not have legal training since the prime requisite is good common sense and an upright character. Yet despite such "lily white" requirements, there are quite a number of lawyers among the consultants! The number and qualification of the consultants are determined by the Supreme Court. In Tokyo there are 78 men and 25 women consultants, the

If a case is to be mediated the matter is heard by mediation board consisting of the judge and not less than two mediators. Whether a case is tried by a court or heard by a mediation board, the technicalities of the law are not overly emphasized. Human nature, foibles, sentiment, emotions, and divers circumstances surrounding the family, relatives, etc. are taken into consideration. Where the facts are admitted by the parties and the case is not complicated, the judge alone may decide it without the intervention of the consultants or mediators.

How are the personnel for the court of domestic relations—whose structure is unique—selected? Let's start

Basically the court of domestic relations functions in three ways depending upon the nature of the cases involved. It functions as a judicial organ (shimpan), mediation organ (chotei) and a combination of the two. A judge always presides at whatever form the proceedings may take.

Opinion Considered

When a case is heard judicially the consultants attend and may advise on all matters pertaining to the case. The judge will consider what the consultants have to say, but he acts independently in arriving at a decision. But usually the consultants' opinion is given due weight.

of a tie vote the judge has the casting vote. For the procedure the mediators are subject to the direction of the judge. Provisions relating to rejection, challenge, or disqualification do not apply to the mediators.

Among the consultants and mediators there are lawyers, business men, social workers, educators, writers and Diet members. As for the mediators the majority of them are lawyers. This is doubtless due to the "holdovers" who have been serving under the former mediation law. With their past experience in the art of mediation they doubtless form an indispensable addition to the corps of mediators under the court of domestic relations, which could be regarded as an extension of the prior mediation system.

There are two classes of cases—A and B—which are handled by the court of domestic relations, either by judicial trial or mediation.

There are 41 types of cases in Class A, which are judicially tried by the judge and consultants. Some of them relate to legal incompetency, management of absentee's property, disappearance, change of child's name, adoption, parental authority, guardianship, inheritance, revision of family registration, distribution of property, etc. In other words, they are for the most part *ex parte* matters.

Judicial Cases

There were 4,192 cases handled during the six months, and numerically the following constituted some of the important ones.

Nature of case	Number
Adjudication of Disappearance and Revocation thereof	125
Change of Child's Family Name	844
Adoption	1,546
Appointment of Guardian or Curator	386
Renunciation of Succession	356
Change of Given Name	392
Revision of Family Registration	229

Class B cases, which may be tried judicially, include resumption of cohabitation of the spouses who have been living apart, change in the management of marital property, assumption of expenses involved in the marriage, custody of children upon divorce, property settlement upon divorce, designation or change of parental authority, support and maintenance, removal or revocation of a successor, and division of bequests or legacies. They may, however, be submitted for mediation at any time.

(To Be Concluded)

12 AUG 1948

NIPPON TIMES

DOMESTIC RELATIONS COURT HANDLES FAMILY TROUBLES

New Body Seeks Amicable Settlement Through Justice, Warmth of Heart

By **TETSUICHI KURASHIGE**

aug 13 N.T.

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Mediation matters, which are heard by the mediation board (composed of one judge and at least two mediators) include personal disputes, such as breach of promise to marry, and family matters (excluding Class A cases). They include Class B cases, some of which are enumerated above.

If mediation cannot be effected the parties may seek a legal remedy. But if the court feels that mediation would be in the interest of the parties concerned it will compel them to submit to mediation. Of course, the party adversely affected by the findings of the mediation board is entitled to an appeal. There were 1,320 cases which have been submitted for mediation during the past six months, some of which are listed below.

Nature of case	No. Mediated	Failed	Dropped	Men	Women	Both
Divorce	510	148	9	100	109	398
Annulment of Adoption or Marriage (rien)	23	—	—	—	9	9
Dissolution of Marriage	7	4	—	6	1	6
Acknowledgment of Paternity	25	—	—	—	—	25
Support & Maintenance	122	37	—	19	23	96
Property settlement	54	17	—	4	13	39
Parental authority over children upon divorce	25	4	—	1	5	20
Resumption of cohabitation	44	11	3	4	12	32
*Breach of Promise	244	88	3	32	23	221

* Includes the ordinary "breach of promise to marry," damage for breach of "naien fufu kankei" (unregistered or common law marriage), return of "yuino" (engagement presents) after the engagement is broken off.

† Cases transferred to some other court of domestic relations.

A layman may be enmeshed in a web of perplexity if he were to conduct his own case. For example, he may not know whether to file a petition for mediation or trial, which court assumes jurisdiction, or the expenses involved. Such a dilemma should be the least of his worry, since the court will, of its own motion, rectify the error and permit the petitioner to proceed on the basis of the rectification without prejudicing his case.

However, there is an iron-clad rule which must be adhered to. That is, when a suitor intends to file suit in a court other than the court of domestic relations, he must first of all file a petition for mediation. Every effort should be exhausted to effect a mediation before he is allowed to seek a legal remedy.

Referred for Mediation

Therefore, if a suit has been initially filed in a law court, the latter, as a rule, would refer the case to the court of domestic relations for a possible mediation. In case the case is heard by the court of domestic relations and judgment

rendered, the dissatisfied party may have an appeal. Such an appeal must be perfected within two weeks. When an appeal has been taken of judgment of the court of domestic relations becomes ineffective because the trial in the higher court will be started afresh.

As already stated the procedure is simple, expeditious and non-technical. A petition may be made orally or in writing, and can be prepared by the petitioner himself.

In the case of a written petition a form is filled out and filed with the court. No particular legal jargon is required—the petitioner merely states the facts concisely and clearly in his own language. Some petitioners go to a scrivener (daisho) to have the petition prepared.

The form calls for the following items: names and addresses of the petitioner and the other party (defendant) to the suit for mediation; statement as to whether a trial or mediation is desired, and a clear and brief statement of facts which can be understood by the court as to the remedy sought.

In the case of an oral petition, the petitioner relates his story to a clerk or mediator who prepares it in a written form. Such a process is likely to tax the patience of the clerk. As a rule consultations are limited to 20 minutes per case.

Must Submit Evidence

Documentary evidence, if any exists, supporting the petitioner's claim, must accompany the petition. It forms a part of the record. However, if the petitioner cannot part with the papers, than copies thereof can be substituted for the original.

One of the objects of the court of domestic relations is the dispensation of justice at minimum expense, which may

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be within the reach of the masses. A fee of 15 yen is charged for cases which are to be tried by the court; 30 yen for those involving both trial and mediation, and 30 yen for mediation cases. Certainly no one can deny that these amounts are beyond the reach of any suitor in these days of inflation. These costs are payable by means of revenue stamps which are pasted on the petition at the time of filing. In addition to these basic costs other expenses, such as lawyer's fee, expenses connected with the summoning of persons to attend the hearing, investigations, etc., may be involved.

When the court accepts a petition for a judicial trial it will fix a date, and summon the suitors and other parties whose presence is required. If

the case is fairly simple and leaves no room for dispute as to the facts, the judge, upon his own judgment, will try the case himself, although basically the consultants participate. The consultants are not empowered to pass judgment which is left entirely to the judge.

Equal Number

As a gesture to the "equality of the sexes" idea the court usually assigns an equal number of men and women as consultants or mediators to participate in the case. Of course, it is conceivable that in some cases women might be more suitable than men, and vice versa.

Unlike the judge of a regular court, the judge of the court of domestic relations does not wear a cap or judge's robe, nor does he vigorously interrogate witnesses. He is dressed in ordinary civilian attire and informally discusses the case with the parties concerned. Only the judge, litigants, lawyers (if any is retained), consultants and clerk are permitted in the court room during a trial. If, during the trial, the judge believes that the case should be mediated, he transfers it to the mediation section for mediation.

Strict secrecy of the proceedings must be maintained. Any person found guilty of disclosing or causing leakage of matters discussed behind the closed session is subject to an imprisonment for not less than six months or a fine of not more than 3,000 yen.

Until last year, cases which are being mediated by the court of domestic relations today, were mediated under the Personal Matters Mediation Law. When a petition for mediation has been filed the case is referred to the mediation board. If the judge thinks that from the nature of the case, unofficial mediators are necessary, he can designate outsiders "who are persons of good sense and otherwise regarded as suitable."

By Majority Vote

This mediation board is not a consultative organ but is a part of the overall Mediation Committee. The mediation board deliberates upon the case, and its findings are based upon majority vote. In case of a tie the judge has the casting vote.

Since January this year the Law of Domestic Relations replaced the Mediation Law, but functions in practically the same manner with the following exceptions:

1) Before a suit can be instituted it must first be submitted to the court of domestic relations for mediation. Under the former mediation law a party could go straight to court without exhausting his remedy at mediation.

2) Under the mediation law a party may ignore the court decree, and the court is powerless to enforce it. For instance, when a divorce is granted it must be registered. But registration could be frustrated

by the party against whom the divorce decree was entered if he refused to put his seal on the application for the registration of the divorce. In short such mediation became an idle gesture, and the parties continued to remain "married" because of such technical flaws. Such a defect has been corrected by the court of domestic relations because a party in whose favor the divorce was granted could unilaterally effect the registration. The registration can be effected by submitting a certified copy of the decree to the registrar when applying for the registration.

3) Matters which cannot be unilaterally disposed of by either party to a dispute may be mediated. For example, annulment or dissolution of marriage, recognition of paternity, acknowledgement of a child's legitimacy, etc. are matters which are affected with public interest, and an ex parte disposition is not permitted. Under the mediation law nobody was forced to accept, the mediation decree as the dissatisfied party went to law to settle the question which failed of mediation.

May Be Appealed

Under the new setup the mediation board can act upon an agreed statement of facts and render its decision. If a mediation fails, the court of domestic relations will take up the case and adjudge accordingly. But in doing so it will take into account the findings of the mediation board. A dissatisfied party has two weeks within which to appeal from the judgment of the court. When an appeal is perfected the judgment of the court of domestic relations becomes ineffective.

Despite the failure of a mediation the court may, if it thinks that a settlement would be in the interest of the respective parties, cause a compulsory mediation. Any party dissatisfied with such compulsory mediation may appeal to a higher court within two weeks, and the mediation becomes invalid. If an appeal is not perfected within two weeks, the judgment of the court of domestic relations or the findings of the board stands, and becomes legally binding in full force and effect.

The corridors of the trial and mediation sections, which are in two separate buildings adjoining each other, are always jammed with people seeking advice or relief from their domestic woes. The clerks and attendants are kind and patient in handling the routine business or in answering questions. Notices requesting those concerned to read every bulletin or written advices are posted on the walls in the hallway and waiting rooms.

Keep Quiet

Loquacious as the women of the species are, they seldom gossip or relate their tales of woe to one another while waiting for their turns. On one occasion a young woman—perhaps a housewife—was seen dozing, but with her mouth tightly sealed as if to resist any possibility of talking in her sleep! Usually there are more women than men in the crowd.

"Is there any 'cooling-off' period to enable the parties to change their mind?" Judge Kawai was asked.

"No, there isn't," he replied without hesitation. "But since mediation requires several conferences, the period in-between may function as a cooling-off period."

"If the parties cannot be reconciled through mediation they are entitled to seek a legal remedy. At any stage of the hearing the court welcomes reconciliation—in fact it always strives towards effecting a reconciliation," the judge added.

"Unfortunately reconciliation becomes difficult or rare because the parties, all steamed-up after failing to mediate, go to court as a last resort."

Since it can be envisaged that the new system of settling family dispute may cut into the lawyer's business, the writer asked Judge Kawai what the bar's reaction to the court of domestic relations is.

"At first I had some misgiving about it," Judge Kawai admitted. "But I soon discovered that on the whole the bar was very cooperative. In fact most of the lawyers feel that it would be an honor to be chosen as consultants or mediators."

(The End)

New Court Proving Increasingly Popular

6,000 Cases Presented During Single Month

By Kazuko Miura, Staff Writer

TOKYO, Sept. 25.—Democratic ideas have permeated into domestic relations in Japan, judging from the statistics and statements revealed by the Tokyo Court of Domestic Relations which was established on January 1, 1946, as part of the Ministry of Justice to take care of the many problems arising from the institution of democracy in the home.

In the single month of July, this year, no less than 12,000 persons have presented themselves to the Court of Domestic Relations, involved in a total of 6,000 cases. Some 4,500 of these cases appealed for court judgments, while the remaining 1,500 sought the arbitration of the court.

When the Court was first set up in January, together with 276 other local courts throughout the country, citizens had some qualms against carrying their domestic troubles to law courts. Very few people were aware of the benefits to be derived from such legal institutions. In time, however, with each succeeding month, public confidence grew and husbands, wives, parents and children began to stream to the Court of Domestic Relations.

Divorces Lead Cases

Divorces, as might be expected, comprise the greatest number of the cases. Although not the most desirable condition, the prevalence of divorces might be considered as an awakening of the people to their rights in a democratic world, in contrast to the traditional and submissive attitude of the past.

As might also be expected, women bring up most of the divorce cases—80 per cent. Many of these divorce-seekers, however, are unjustified, showing the inclination of the women to go too far in their grasp of new freedoms.

As to reasons for divorce, we can cite one example told us by one of the judges. A certain woman of striking beauty, 28 years of age and a college graduate, sought a divorce from the Court on grounds of differences in character and opinions with her husband. The husband, however, refused to agree to the divorce on the grounds that he continued to love her and would prefer death to divorce.

In view of the flimsy reasons of the wife, the divorce could not be granted. As a result, the wife one day took her daughter and left their house during the husband's absence.

Such cases are not rare these days. Older people have also been involved in divorce suits. One 58-year-old woman sought a divorce from her husband after 30 years of married life. Grounds were that the husband had been keeping several mistresses. Neglecting the home, the husband had been spending all his money on the mistresses.

Adoption Problems Also

Most of the other cases coming before the Court involve adoption problems, alterations of names, and guardianships of children.

Many war widows have been released from the tradition in which their life had been bound to the families into which they married. Freed of this obligation, these widows are now trying to rebuild their own homes along healthy lines in a world of peace.

The first steps in the gaining of freedom by these war widows involve the returning to their maiden names, breaking off the bondage to their former husband's families. The number of such cases has been remarkable.

As a means of enhancing public confidence, all cases brought before the Court and deliberated are kept in strict secrecy, so that the public may feel perfect freedom and confidence in bringing their problems before the Court.

MAINICHI 26 SEP 1948

"The Case of the Blood Stained Shirt" was selected as the title of the play which involves the murder of a husband by a jealous wife who believed that a woman shopkeeper was vying for the murdered man's affections.

The initial plan of showing the mock trial in only a few communities, in order to demonstrate how such a trial could be conducted, ballooned into a large-scale theatrical production.

A total of 8,000 persons witnessed the four performances in the Misono Theater of Nagoya during the two-day run. In Tsushima City, 2,000 people saw the two shows, while 2,500 attended the two performances in Toyohashi and 3,000 came to the theater in Okazaki to see the two shows. Other cities in Aichi Prefecture are scheduled to witness this mock trial.

"The mock trial which was staged initially in Nagoya and broadcast over the air, was an attempt to show the Japanese not only the new seating arrangement of the court, but the utter freedom of the procurator and defense attorney to present and defend their case according to the best practice," says Col. Dumont.

Only Truth Matters

"It was likewise attempted to show the audience that the only thing which mattered was the truth, and that the procurator was as eager as the defense attorneys to bring out the facts of the case."

back to the previous regime when an appearance in court was an ipso facto mark of guilt," said Col. Ferdinand C. Dumont, Commanding Officer of the Tokai-Hokuriku Military Government Region.

Something Undreamed Of

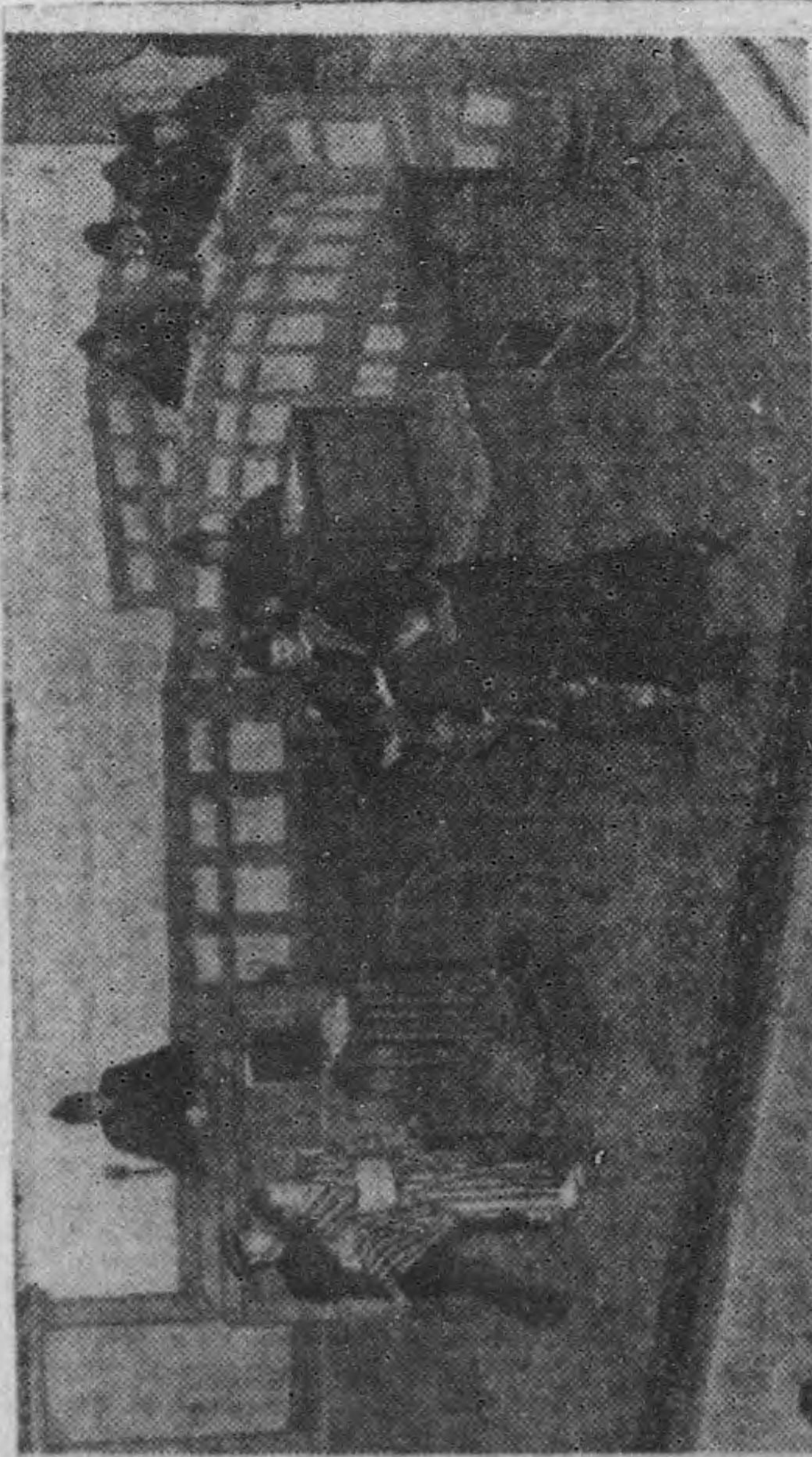
"Appearance in court and being defended by an able lawyer is something new. It is something undreamed of for many of the population," he said.

In order to present to the public the new court procedures as permitted under the Constitution and which become effective throughout Japan on January 1, 1949, Stephen Forbes, legal and government officer of the Tokai-Hokuriku MG Region, in cooperation with the Bar Association, the public procurators, and the courts of Nagoya prepared and promoted the idea of a mock trial for public enlightenment.

The vehicle for the performance was taken from an actual case history which occurred in Osaka about 80 years ago. Zentoku Urabe, a Nagoya lawyer, wrote the script. Kumeji Tomamatsu, chief of the Nagoya Defense Counsel Association, directed the cast of four professional actors and actresses, and the volunteer lawyers and judges.

The purpose of the mock trial was to inculcate in the minds of the Japanese an awareness that under the new Constitution, Japanese justice is equal to any in the civilized world.

"It was felt that the average Japanese, even now, does not fully comprehend and realize the safeguards that the new Constitution has built around him and in a great many instances the idea of the people hark



New Court Trial Procedures Are Shown In Dramatic Mock Trial In Aichi Pref.

WITH FIRST CORPS, KYOTO, Oct. 14.—The right to equal justice before the courts of law and the new safeguards guaranteed under the new Japanese Constitution were aptly shown in a mock trial held at the Misono Theater in Nagoya recently.

During the two-day run featuring the "Case of the Blood Stained Shirt," more than 8,000 were able to see the four performances which demonstrated the new court trial procedure.

"After hearing the evidence, the cross-examination, the reexamination and the concluding statements, the entire audience was constituted as a jury and asked to give its verdict." A curious sidelight of the mock trial in Nagoya was the women's angle and it is estimated that not less than 55 per cent of the audience was represented by the Japanese women.

(Photo shows a dramatic point in the mock trial scene shown in "The Case of the Blood Stained Shirt").

17 OCT 1948

MAINICHI

075

High Intake From Fines ⁵⁴⁵

Fines imposed by the Maebashi local court in the city of Maebashi on blackmarket operators during the period from January 1947 to November of the same year totaled ¥4,312,000. The fines ranged between ¥100,000 for violation of the price control regulations and ¥100 for violation of the food control regulations. There were some blackmarketeers who were fined two or three times during the 11-month period. Five years ago the court imposed fines totaling ¥10,000 and called it a record high.

NIPPON TIMES JAN 29 1948

Sing 'Internationale'**Fuso Case Defendants
Ordered Out Of Court** ³⁴⁰

KOBE, Jan. 28.—The absence of all of the 13 defendants marked the morning session of the second day hearing of the Fuso Kinzoku intrusion case, which was held at the Kobe court today at 10 a.m., Chief Judge Kazuo Ono presiding.

No sooner did the chief judge declare the opening of the court than Iwao Takimoto, 22, and 12 other defendants began singing the Internationale at the top of their voices and the chief judge ordered their withdrawal.

Lawyer Yoshio Ito then requested the judge to admit more hearers as there was much room, to which the chief judge objected. The judge also refused the lawyer's request to recall the withdrawn defendants.

As the judge declared continuance of the hearing without the presence of the defendants, the defense requested that Kyuichi Tokuda, Communist leader, Diet Member Kanju Kato, and 22 others be summoned as witnesses, to which Procurator Koitsu Nakamura said that he favored the summoning of two of them as witnesses and the others left it to the discretion of the chief judge.

MAINICHI JAN 29 1948

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**Japan Domestic Court
 Reported Successful**

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 A SCAP Government Section spokesman commented yesterday on the success of a new Japanese Court of Domestic Relations, which was originated January 1 after the bill establishing it passed the Diet last December 1.

The Diet bill provided that every district court would have a branch known as the Domestic Relations Court. The special court probes into such problems as probate of wills, adoption and dissolution of adoptive relationships, changing of a child's surname, appointment of guardians to supervise the affairs of minors or persons adjudged to be incompetent, and the determination of obligation of support.

"A court of this kind can often solve domestic problems before they lead to divorce or serious legal disputes," the spokesman said.

STARS & STRIPES FEB 5 1948

**NEW COURT IS VITAL
 IN JUDICIAL SYSTEM**

SCAP's Spokesman Describes
 Functions of Domestic
 Relations Court

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 Commenting on the new Court of Domestic Relations, a SCAP Government Section spokesman said: "An informal forum where men and women can bring their domestic troubles came into being on January 1, when a new law establishing these courts became effective."

"A court of this kind can often solve domestic problems before they lead to divorce or serious legal disputes," he added.

The Bill for the Court of Domestic Relations which passed the Diet on December 1, 1947, provides that every district court have a branch known as the Domestic Relations Court. In densely populated areas the new branch is physically separate and presided over by jurists who are specialists in domestic relations. In areas less populous where specialization in domestic relations is not practical, district court judges preside in the application of domestic relations procedure.

"It is important," the SCAP official asserted, "to remember that this court is in no way concerned with criminal matters. Its purpose is to maintain peace and understanding within the family. It seeks to conciliate but has the power, in all cases, to make such decisions as are necessary."

Of special interest to persons distressed by domestic problems, are provisions of the bill which permit councillors to advise the court on cases of certain types. The court in certain cases can compel an attempt at conciliation and for actions in accordance with the Non-contentious Litigation Procedures Law (Hisho Jiken Tetsuzuki Ho) except where these procedures are modified by the new law. "These provisions," the spokesman said, "assure a sympathetic atmosphere in which family problems can be discussed."

Fines and penalties are provided for any violations of the confidence of parties and for improper publicity caused by judges, conciliators or other court personnel. The law makes every effort to protect the privacy of individuals who seek the assistance of the court.

Judges sitting on domestic relations cases can render decisions either alone or after securing the advice of councillors.

Among the many types of cases that fall within the scope of the domestic relations court are the probate of wills, adoption and the dissolution of adoptive relationships; the changing of a child's surname, the appointment of guardians to supervise the affairs of minors or persons adjudged to be incompetent, and the determination of obligation of support.

"The adoption of the Court of Domestic Relations into the Japanese Judicial System is a long step forward and will help to maintain tranquility within the Japanese home and afford equal protection to the rights of all," the spokesman said.

FEB 8 1948
 NIPPON TIMES

**ATTORNEY-GENERAL OFFICE
 TO BEGIN WORK ON FEB. 15**

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**Justice Ministry to Fold Up;
 Suzuki Slated for Post**

The contemplated office of Attorney-General will begin to function on February 15 as scheduled. With the inauguration of the office, the Justice Ministry will cease to exist and the Bureau of Legislation under the jurisdiction of the Cabinet will be absorbed into the new office.

Justice Minister Yoshio Suzuki is slated to become the first Attorney-General inasmuch as the law providing for its establishment demands the assumption of the post by a State Minister. However, as a result of the Cabinet resignation, Mr. Suzuki is to assume the post of acting Attorney-General until the formation of the next Cabinet.

FEB 13 1948

NIPPON TIMES

**ATTORNEY GENERAL
 TAKES POST TODAY**

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**Justice Ministry Abolished;
 Suzuki to Take Office as
 Acting Chief**

The Justice Ministry was formally abolished yesterday with the ceremony in the council room of the Ministry building, bringing to an end the 78-year old history of the judicial office.

The dissolution of the Justice Ministry will be completed today with the formal inauguration of the Attorney-General's Office.

Justice Minister Yoshio Suzuki will take over the post as acting-Attorney-General until a formal designation can be made by the new Government.

The Attorney-General's Office takes over all the executive functions of the defunct Justice Ministry were entrusted to the Supreme Court.

The new body also includes functions which formerly belonged to the former Home Ministry and the Cabinet Legislative Bureau.

The Law establishing the Attorney-General's Office was passed by the Diet on December 9, last year. The legislative action was taken at the suggestions offered in SCAP's letter to the Prime Minister on September 16, last year.

As the supreme organ concerning the legal aspects of government, the Attorney-General's Office will handle all questions of criminal prosecution and litigations, drafting and examining of all cabinet bills, and research and expression of legal opinion.

In addition to the purely executive functions performed by the Attorney-General, five assistant attorneys will handle matters relating to prosecution, legislation, research and opinion, litigations, and executive operation.

The five bureaus to take over the above functions are:

1. The Special Examining Bureau to prevent the formation of ultra-nationalistic and subversive organizations;
2. The Examining Bureau to investigate and exercise surveillance over ex-Japanese military officers and purgee;
3. Civil Affairs Bureau to check nationality question, registration of aliens, judicial affairs and other related matters;
4. Civil Liberties Bureau to guard the rights of the people; and
5. General Affairs Bureau to take care of prisons, and correction and rehabilitation of adults and juveniles.

NIPPON TIMES FEB 15 1948

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Attorney-General's Office Begins Work

TOKYO, Feb. 15.—The Justice Ministry, which has been replaced by the new Attorney-General's Office, has closed the last page of its 78-year-old history.

The closing ceremony was held at the Justice Ministry's building yesterday at 11 a.m., attended by Justice Minister Yoshio Suzuki and 200 officials.

Under acting Attorney-General Suzuki the Attorney-General's Office started functioning today.

It was in July, 1871, that the Justice Ministry was inaugurated under Shimpei Eto, the first Minister. Mr. Suzuki was the 54th Justice Minister.

MAINICHI FEB 16 1948

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Attorney-General Office To Function Feb. 15

Kyodo

TOKYO, Feb. 12.—The contemplated office of Attorney-General will begin to function February 15 as scheduled.

With the inauguration of the office, the Justice Ministry will cease to exist and the Bureau of Legislation under the jurisdiction of the Cabinet will be absorbed into the new office.

Justice Minister Yoshio Suzuki was to become the first Attorney General inasmuch as the law providing for its establishment demands the assumption of the post by a State Minister. However, as a result of the Cabinet resignation, Suzuki is to assume the post of acting attorney general until the formation of the next Cabinet.

MAINICHI FEB 13 1948

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Court Rejects Offer

Supreme Court judges, at their conference Wednesday, decided that the Akasaka Detached Palace is unfit for use as its office building and will notify its decision to the Government which offered part of the Palace for use as the court's office building.

NIPPON TIMES FEB 20 1948

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Domestic Relations Ct.

People Urged To Obtain Advice Without Fear 540

Comparing the new Court of Domestic Relations recently established in Osaka to an informal forum, a Military Government officer in Osaka prefecture explained:

"The manner in which the court is conducted takes away the usual, formal, legal atmosphere and replaces it with one in which a sympathetic discussion of family problem can be held."

The court, established by the Bill for the Court of Domestic Relations which became law January 1, functions under the provisions of the Non-Contentious Litigation Procedures Law (Hisho Jiken Tetsuzukiho) except as modified by articles of the new law.

Advice Of Experts

Of particular interest to men and women distressed by domestic problems is the provision which calls for the court to obtain the advice of councillors who are experts in domestic relations.

"People can seek the advice of the court without fear since the law itself protects them against violations of confidence and harmful publicity," the officer said.

"The courts," he continued, "are informal in nature and exist primarily to effect conciliation between quarrelling members of a family. They do not exist to handle criminal affairs, but to seek ways and means of eliminating strains and stresses that occur in normal families."

Cases Handled By Court

Among types of cases handled by the court are probate of wills, adoption and dissolution of adoptive relationships, changing of child's surname, appointment of guardians to supervise the affairs of minors or of persons judged to be incompetent, and the determination of obligation of support.

MAINICHI MAR 3 1948

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Sympathetic Discretion Allowed In Domestic Ct.

TOKYO, Mar. 5.—Tokyo Military Government Team officials expressed the opinion today that judges of the new domestic relations courts recently established are allowed, under the provisions of the law establishing the courts, to exercise sympathetic discretion when dealing with the domestic problems of the people.

"When sitting on domestic relations cases judges can render decisions either alone or after obtaining the advice of expert councillors," it was explained. "In addition the absence of the usual frigid formality makes it possible to have a free and dignified discussion of the family problems."

"It is within the power of the court, to compel an attempt at conciliation but it is the interest of the court to effect settlements by agreement between the parties concerned rather than by rendering decisions."

Agreement reached in this manner are as binding as decisions handed down from the bench in the opinion of Tokyo Military Government Team.

MAINICHI MAR 1 2 1948

Japanese Courts Handle 80 Per Cent Of Offenses Prejudicial To Occupation 540

TOKYO, Mar. 21.—Japanese criminal courts are now trying approximately eight out of 10 Japanese charged with stealing Allied property or with other offenses prejudicial to the Occupation, Alva C. Carpenter, Chief of SCAP's Legal Section, reported.

Since a SCAP directive was issued last June 28 permitting Japanese courts to share jurisdiction with Provost Courts, the Japanese tribunals have relieved Eighth Army and BCOF Provost Courts of trying more than 80 per cent of the Japanese and non-United Nations nationals accused of crimes interfering with the Occupation.

When the Japanese courts first took over, Carpenter said, they often handed down sentences even stiffer than those passed down by the Army courts. Now, however, their judgments have leveled off to where they parallel those of Provost Courts for similar crimes, he added.

MAINICHI MAR 23 1948

07-1

JAPANESE COURTS NOW HEAR MOST OF CRIMINAL CASES INVOLVING ACTS AGAINST OCCUPATION

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When the Japanese courts first took over, Carpenter said, they often handed down sentences even stiffer than those passed down by the Army courts. Now, however, their judgments have leveled off to where they parallel those of provost courts for similar crimes, he added.

From May 20 to June 20, 1947, the last monthly period before the directive enabling Japanese courts to try their own and non-UN nationals for crimes against the Occupation became effective, Eighth Army and BCOF provost courts tried 1,835 cases, returning 1,745 verdicts of guilty and 90 acquittals.

The latest Occupation court report, compiled this week for the period from January 21 to February 20, 1948, shows that the provost courts tried 356 cases involving Japanese and non-UN nationals. Guilty verdicts were returned for 338 defendants, while 18 were acquitted.

The following figures on the number of Japanese and non-UN nationals tried by provost courts during the May-June period in contrast to January-February cases indicate the amount of assistance now rendered by Japanese courts:

<u>Offenses</u>	<u>May-June</u>	<u>Jan-Feb.</u>
Unauthorized possession of Occupation property	917	19
Larceny of Occupation property	460	125
Unauthorized possession of weapons	175	20
Blackmarketing	106	21
Acts prejudicial to security of Occupation	24	62
Violation of Occupation's objectives (including traffic violations)	91	53
Violation of SCAP directives	31	43
Crimes committed by United Nations nationals	31	13

PRENS RELEASE - AFPAO

MAR 19 1948

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Domestic Relations Court Busy As It Tries Numerous Cases Daily

Indicative of unsettled post-war living conditions, the Tokyo Domestic Relations Court today is having its hands full ironing out an increasing number of domestic troubles.

Since its establishment on January 6, the court and its legal consultation section has handled approximately 2,000 cases.

During the period under review the court has granted decisions in 772 cases and successfully mediated 225 others.

An insight as to what sort of cases are being brought up for consideration can be gleaned from the fact that the court, during the period from February 1 until 20, sanctioned 160 cases of adoption, 60 cases of legally altering names and 57 cases of divorce.

With reference to divorces, the chief cause for marital friction

leading to formal severance of ties has been economic in character, although they include a number of instances reflecting feminine assertion of equality with men.

Scrupulous care is being taken by the court in sanctioning changes of names, which have become common through the revision of the Civil Code. In such cases, the court is constantly keeping in touch with the Metropolitan Police Board to prevent any person with a criminal record from changing his name for convenience. Many people adopt children whose parents have been killed in the war and other unwanted children.

Changes in name, hence, mainly are being sanctioned in cases in which individuals have complained over difficulty in usage, similarity of such names in the same family and other justifiable reasons.

NIPPON TIMES MAR 2 1948

Japanese Courts Now Try 80% Of SCAP Offenses

Eight out of 10 Japanese or non-United Nations nationals charged with stealing U.S. property or other crimes against the Occupation Forces today face trial by Japanese Criminal Courts, Alva C. Carpenter, chief of SCAP's Legal Section, said yesterday.

Since SCAP authorized Japanese courts to share jurisdiction with provost courts last June 28, they have relieved Eighth Army and BCOF courts of more than 80 per cent of cases normally tried.

Mr. Carpenter pointed out that at first, Japanese Tribunals handed down sentences stiffer than those meted out by Allied courts. However, he added, their judgments have leveled off to where they parallel those of provost courts for similar crimes.

STARS & STRIPES MAR 23 1948

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ITEM 3 Supreme Court Rules Capital Punishment Not a Violation of Constitution - Yomiuri - 13 Mar 48. Translator: T. Ogawa. (DD).

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Full Translation:

The case of MURAKAMI, Kazuyuki, (22), a farmer living in HIROSHIMA Ken, SAEKI Gun, YOSHIIWA Mura, who was sentenced to death by the HIROSHIMA Higher Court for the murder of his mother and younger sister, was appealed to the Supreme Court by his counsel on the grounds that capital punishment is a violation of the Constitution.

However, on 12 Mar, the Supreme Court, presided over by Justice TSUKAZAKI, in the presence of all Justices, handed down a decision rejecting the demand for revision of the sentence and recognizing capital punishment.

The counsel for the defense insisted that atrocious punishments are prohibited by Article 36 of the Constitution. Capital punishment, therefore, should be prohibited because it is an atrocity.

The court, however, decided that the atrocious punishments referred to in the new Constitution means punishment, executed by atrocious methods such as burning to death, crucifixion, beheading, etc, and not to capital punishment itself.

As a result, the problem whether or not to continue capital punishment, which has been of interest to legal circles was solved at last.

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SCAP REAFFIRMS IMPORTANT ROLE HELD BY JUDGES

General Says They Should Enjoy Freedom From Economic Want

In an exchange of letters with Chief Justice Tadahiko Mibuchi of the Japanese Supreme Court, General Douglas MacArthur reaffirmed the important position held by the Supreme Court as the third branch of the government.

The General in answering a letter from the Chief Justice declared that judges should "enjoy prestige commensurate with their high office, as well as freedom from economic want."

He expressed confidence that the Japanese Diet would give "full weight" to settle the matter of remunerations for the judges which is of "internal and purely domestic significance."

Chief Justice Mibuchi had asked for an interview with the General concerning provisions for "adequate compensation" to judges which would be considered in a different light as compared to the salaries to Government officials.

The text of SCAP's answer to the Chief Justice follows:

April 1, 1948.

Dear Mr. Chief Justice:

Thank you so much for the kindly expressions contained in your letter of March 29th. I believe, as you do, in the firm establishment of the judiciary as a third branch of the government in accordance with the principle of separation of powers embodied in the Constitution of Japan.

In order to secure the independence of the judges in the exercise of their consciences, it is indeed essential that they enjoy prestige commensurate with their high office, as well as freedom from economic want. This can only be accomplished by establishing a level of remuneration for judges which will be a guaranty that the administration of justice is not impeded by any possible temptation of corruption or a standard of living for the judiciary less than that consistent with decency and comfort.

At the same time, the public procurator in Japan also plays an important part in the enforcement of law. Whether or not his compensation should be on a different level from that of a judge as you suggest, is an issue that should, I believe, be decided by the Japanese Diet as the highest organ of state power.

I am sure that the Diet will give full weight to any presentation of your viewpoint in resolving this matter of internal and purely domestic significance.

Sincerely yours,

Douglas MacArthur,
Chief Justice Mibuchi wrote in part:

March 29th 1948.

Dear General of the Army

I would like to express my deepest gratification and admiration, for the support Your Excellency has given to the Supreme Court, the kindness

(Continued on Page 2)

SCAP Reaffirms Important Role Held by Judges

(Continued from Page 1)

shown to me during our interview late last year, and especially for the deep understanding Your Excellency has for the position of the judges throughout Japan.

The new Japanese Constitution based upon the principles of democracy, firmly establishes the independence of judicial power, expecting the complete expurgation of the former bureaucratic position.

At the present moment when the Japanese Government is about to take an important step towards the establishment of this new position, I would especially like to direct Your Excellency's attention to the Draft of the Law for Judges' Compensation.

This draft was prepared to be introduced in the present Diet session, and has already been presented to General Headquarters for approval.

As in the case of the United States of America, I think that the Judges' compensation should: first, as defined in the Constitution be, "an adequate compensation," and secondly, I firmly believe that it should be considered under a completely different light as compared to compensation for procurators and other Government officials. If this is not done, the judges of Japan, although unwilling, will have to remain in their former bureaucratic position, as just another Government official.

Yours respectfully

Tadahiko Mibuchi,
Chief Justice of the
Supreme Court

APR 22 1948

NIPPON TIMES

07-1

ITEM 2 Improper Settlement of Cases by the Court - Tokyo Times - 15 May 48.
Translator: H. Arai. (DD)

5AD
Summary:

The postwar economic distress and moral corruption have brought various irregularities in the political, economic, and social fields. As for judicial administration, no one can affirm that the decisions by judges have been absolutely fair and correct, since they are under the same economic and social circumstances as the people in general. Accordingly, the Upper House Judicial Committee has recently decided to investigate criminal cases, which are considered to be unreasonably dealt with by the court, and to give advice and take other steps as occasion demands. In view of the fact that at present there are loud cries for the establishment of morals in all communities, this decision is very advisable.

As recent instances of improper settlement of criminal cases by the court, we can cite the Matsushima Maru case, the case of a certain person who was arrested for using violence and then released on bail, and the cases involving falsified reports to the screening committees.

If the court handed the light decision on the Matsushima Maru case because it adhered to racial consciousness, it means that JAPAN is not managing things from the international standpoint. If the gangster was set free against social common sense, we are inclined to believe that the court yielded under the pressure of violence or accepted bribes. If the court dealt with the third case merely from the legal point of view and paid no consideration to its effects upon society and JAPAN's democratization, it means that the court succumbed to the reactionary forces. It must be always emphasized that the court is the servant of the people as a whole, and not of a part.

The Upper House Judicial Committee has already commenced investigation with a view to finishing the task during the present Diet session, although there is a question of whether the committee should summon judges for examination. We hope that the authorities concerned will assume a careful attitude so that no confrontation may occur between justice and legislation.

ITEM 10 Supreme Prosecutors Office Deliberates Nishio Issue - Yomiuri -
15 Jun 48. Translator: K. Sasaki. (UG)

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Full Translation:

Leading prosecutors in the Supreme Prosecutors Office met yesterday at 1700 hours in an emergency conference to discuss measures for handling the Nishio issue. Prosecutor-general FUKUI was in charge of the meeting.

5-40

Onimaru Heads Court

Yoshinari Onimaru, Democratic member of the House of Councilors, was unanimously elected Thursday as the first president of the Impeachment Court to be set up in the Diet in accordance with the provisions of the new Constitution.

NIPPON TIMES MAY 29 1948

5-40

ITEM 11 Japan Typewriter Workers Trial Turned into Farce - Asahi - 9 Jul 48.
 Translator: A. Ohori. (TK)

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 Full Translation:

In connection with the execution of the temporary injunction against the Japan Typewriter Manufacturing Company, Vice-chairman YOSHIDA, Hideyuki of the Mita Factory Dispute committee and 52 others have been charged with interference with the discharge of official duties and assault. Their third public trial opened yesterday morning at the Tokyo District Court with Presiding Judge SOMA, Public Prosecutor KITSUDA and members of the Liberal Bar Association as the defense attorneys.

At the beginning, the defense attorneys strongly protested: "It is absurd that a democratic trial should be held with the prosecutor's seat on an equal level with the judge's. It should be placed on the same level as those we defense attorneys occupy!"

The presiding judge replied "The question of the seat will be judiciously dealt with through the clerk's office." Consequently the prosecutor's seat was lowered to the same position as the defense attorneys'.

However, the court was soon turned into uproar again, when the prosecutor's desk and chair was criticized as being too luxurious, and the court was recessed. In the afternoon, it reopened. Meanwhile, the spectators who had thronged to the court before its opening, sang labor songs loudly in concert with the persons in the dock even during the recess. It gave the appearance of being a workshop meeting.

With regard to the loud singing of labor songs, the presiding judge said. "It will be prohibited, while a trial is underway."

ITEM 4 Hirano Dodges Trial Again - Asahi - 3 Aug 48. Translator: E. Okajima
 (UG).

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 Full Translation:

The eleventh session of former Agriculture-Forestry Minister HIRANO's trial was held yesterday at the Tokyo District Court at 1150 hours. Owing to the absence of HIRANO, who presented a formal note of absence, it was impossible to proceed with the trial.

The court was adjourned in two minutes, following Judge WAKIDA's announcement that HIRANO will again be ordered to appear on Friday.

The report on HIRANO's absence included the following reasons:

"Since I appeared in court last Wednesday, my health has deteriorated to such an extent that it is impossible for me to recall past experienced. This is due to the lack of sleep and mental depression. Therefore, I am now in no condition to appear in court."

With regard to the interpretation of Article 86 of the Criminal Code, which provides for judicial proceedings in the event the accused does not appear at the court after receipt of the capias for the second time, the prosecutor interprets it to mean that the capias can be repeatedly issued if the accused has been ordered once to appear.

On the other hand, HIRANO's attorney interprets it to mean that the capias can be issued only when the accused does not appear in court for the second time. The judge so far has kept silent on this point.

ITEM 1 Education Minister Morito Admits Receiving 100,000 Yen - Jiji -
5 Aug 48. Translator: T. Fukushima. (JJY)

Full Translation:

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 Education Minister MORITO, Tatsuo, stressed in his testimony before the Tokyo District Court yesterday that it had been in his individual capacity, not in the capacity of the Socialist Political Research Committee chairman, that he had received 100,000 yen from former Deputy Premier NISHIO.

The fifth session of NISHIO's trial on charges of perjury and breach of an executive ordinance requiring reports on political party funds was opened under Chief Justice HASEGAWA in the Tokyo District Court at 1040 hours yesterday. Education Minister MORITO testified as witness on the internal situation of the Socialist Party at the time of his receipt of 100,000 yen of the 500,000 yen NISHIO had received from a group of building contractors. He said that he had believed that he could use the money as he pleased. He especially emphasized that he had received the money not as chairman of the Political Research Committee of the Socialist Party but as a private individual. Court recessed at 1230 hours.

After an hour's recess, the trial reopened with Socialist Secretary-general ASANUMA, Inejiro, taking the stand. He deposed that there was nothing such as a Nishio faction within the Socialist Party.

Asked who had been responsible for the reporting of party finances to the Government, ASANUMA replied that donations to the party had been handled by the chief accountant, who had reported them to the Organization Section and, at the same time, to the Government in the name of Chairman KATAYAMA. He added that he had believed this procedure had been proper, though he had not been sure of the legal interpretation of the government ordinance. Thus, he implied that the secretary general had no definite responsibility.

Then FUJITA, Gei, chief of the General Affairs Section of the Socialist Party, and NEMOTO, Sukehiko, former official of the Home Affairs Bureau of the Home Ministry, testified. Court adjourned at 1700 hours.

ITEM 7 Councillors Check Validity of Hirano Illness Excuse - Yomiuri -
5 Aug 48. Translator: H. Miyoshi. (JJY)

Full Translation:

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 Five members of the Upper House Judiciary Committee, including Chairman ITO, conducted a bedside inquiry of former Agriculture-Forestry Minister HIRANO, Rikizo, at 1100 hours yesterday at the latter's residence in OGIKUBO, SUGINAMIKU. HIRANO had refused to appear in court in spite of a warrant of arrest issued by the Tokyo District Court.

Although HIRANO had been ordered to appear before the committee on Tuesday as a witness, he did not obey the order on the grounds that his psychosis has taken a turn for the worse. The committee representatives came to find out whether his sickness was so grave as to prevent his appearance.

Mrs HIRANO told Chairman ITO, "He's sick and can't see you."

"Let us see him," said ITO.

This went on for 90 minutes. Finally they saw HIRANO.

HIRANO said, "Protracted examinations on Monday by the Tokyo District Court aggravated my condition. I did not appear on Tuesday because I could not make accurate responses."

Accepting this answer, Chairman ITO commenced a bedside inquiry of HIRANO. But HIRANO asked that, as his sickness prevented him from making accurate replies, his testimony be postponed.

Following this, the committee delegates left HIRANO's residence. At the committee's afternoon meeting, it was decided to diagnose his sickness and examine his mental condition shortly.

In case the diagnosis proves that his sickness is not so serious as to warrant absence from court, the committee is planning to indict him in accordance with Articles 6 and 7 of the law concerning oaths and testimony of witness before the Diet.

ITEM 5

Supreme Court Decides on Constitution's Personal Confession Clause -
Asahi - 1 Aug 48. Translator: A. Ohori. (VM).

Full Translation:

Article 38 of the Constitution provides that no person whose personal confession is his or her only unfavorable evidence shall be convicted or punished. This provision has from time to time brought up many questions in the courts. To remove the ambiguity of the provision, the judgment that a confession by the accused on public trial will be admitted as valid evidence for the free decision of the judge, was handed down by Presiding Judge TSUKAZAKI of the Supreme Court on 31 July. This decision, which will soon be made public as a judicial precedent, is of great interest to judicial circles.

The accused in the case is SATO, Miyamatsu, 46, of YAMAGATA Ken, MINAMIOKITAMA Gun, KUBOTA Mura, who was charged with violation of the Food Control Law and the Price Control Law in connection with his blackmarket sale of 12 bales of unpolished rice in September the year before last. At the first and second trials he was found guilty and his appeal to the Sendai Superior Court was rejected. Then SATO's lawyer finally brought the case before the Supreme Court on the grounds that the decisions of the lower courts were all based upon the accused's personal confession in open court as the sole evidence, and were therefore unconstitutional. The substance of the Supreme Court decision on the case follows:

In a public trial the accused is quite free from personal restrictions, torture, intimidation or other wrongful interference. He or she may make a confession quite freely. Therefore we judge that the "personal confession" provided for in the Constitution does not include such a confession obtained from the accused in an open trial.

According to this judgment, whether the accused's confession in a public trial be admitted as evidence will depend upon the discretion of the judge. Thus, the legality of investing the judges with such great authority brings up an important problem with respect to human rights.

ITEM 6

Hirano Taken into Custody Again - Yomiuri - 7 Aug 48. Translator:
R. Shibata. (JJY)

Full Translation:

Presiding Judge WAKITA of the Tokyo District Court issued a warrant of arrest Wednesday evening for the second time to former Agriculture-Forestry Minister HIRANO, who had refused to appear in court on account of his alleged illness of "psychoneurosis." As a result, the 13th public trial of Hirano's case was opened at noon yesterday.

Following the opening of the trial, the presiding judge strongly announced, "Even after a lapse of almost half a year since HIRANO's indictment, during which time thirteen court sessions were opened, there has been no progress of investigation of the case. Today, the court will proceed with factual investigation of the case by prohibiting all utterances not concerned with the investigation."

Defendant HIRANO strongly protested against this announcement by labeling it "unreasonable oppression". Lawyers HASHIMOTO and CHONO also refuted the judge by complaining of the defendant's ailing condition. Presiding Judge WAKITA, however, disregarded their protests.

After a short recess, the court was reopened at 1340 hours. HIRANO demanded medical examination of his sickness by Dr KASAMATSU. The presiding judge rejected his demand after a consultation with his colleagues. Upon this, HIRANO, striking a table with his fists, shouted, "Why not?" Amid clamors arising from both lawyers and the public

admitted to the court, Presiding Judge WAKITA forcibly entered the investigation of the case and commenced the reading of documents, which lasted for 50 minutes.

Following the reading of documents, the presiding judge announced his consent to the prosecutors' request to summon AKAMATSU, Katsumaro, former secretary-general of the defunct Japan National Socialist Party, and YAMASHITA, Gihachiro, former vice-chairman of the defunct Imperial Rule Association, as witnesses at the next session to open on 11 August. The court closed at 1510 hours.

ITEM 18 Supreme Court Proposes Enactment of Contempt of Court Law - Mainichi -
8 Aug 48. Translator: H. Nishihara. (RL)

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Full Translation:

Prompted by many incidents prejudicial to the prestige of the courts, the Supreme Court is considering the immediate enactment of a history-making "Contempt of Court" Law. The Supreme Court is working on the bill at present so that it may be passed by the next extraordinary Diet session.

The Supreme Court's action was prompted by such occurrences as the public trial of the Japan Typewriter Company, during which the "Internationale" was sung in court.

Another occurrence prompting the Supreme Court's action was the Hirano case. The principal figure in the case refused to appear in court until a warrant for his arrest was issued. When he finally appeared in court, he intentionally delayed the proceedings of the trial, alleging that he was suffering from psychoneurosis.

Article 73 of the existing Court Law provides that in order to maintain order in court, actions disturbing the court interfering with the execution of court business, even though such interferences are outside the court, are punishable by a maximum of one-year's penal servitude or confinement, or a fine of not more than 1,000 yen. The provision, entitled "Interference with trials," has never been applied.

The recent situations in the courts make it necessary for the Supreme Court to reconsider existing provisions, and to design a new law to punish actions in contempt of court. The scope of actions constituting contempt of court will be of great importance. Such offenses as specified in the existing law, and refusal of a witness to appear in court, or actions to prevent a witness from appearing in court, will fall within the scope of the provisions.

Although some countries rule that certain kinds of criticism or comment upon trials in progress constitute an offense, precautions are being taken in this regard since such a provision may be considered an infringement upon freedom of the press.

KIUCHI, chief of the prosecution section of the Attorney-general's Office, commented: "Persons injure the prestige of courts and judges by exceeding the limits allowed by law, or resort to delays in proceedings in an attempt to gain advantages for themselves. I think that enactment of a Contempt of Court Law is necessary. Further considerations will be required to decide whether the authority to prosecute should be vested with judges or public prosecutors."

ITEM 5 Former Vice-president of Kodokai Testifies for Hirano - Shin Tokyo -
12 Aug 48. Translator: A. Kido. (DD)

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Full Translation:

The thirteenth public trial for former Agriculture Minister HIRANO, violator of the public office purge, who, suffering from repression, was summoned by a third warrant, was held under Presiding Judge WAKITA of Tokyo District Court at 1115 hours, 11 August. Former Vice-president YAMASHITA, Gihachiro (70) of the now defunct KODOKAI (Imperial Way Society), as witness, testified as follows on the structure, activities and objectives of the association as well as HIRANO's motive for joining it.

"Around the year 1930, politics was becoming corrupt. Professional soldiers were taking part in politics and political parties were carrying matters with a high hand. I felt that would not do. I believed that first we should eliminate the evil practices of the political parties, make professional military men withdraw from politics, conduct honest politics, and aid the farm villages."

Subsequently, the presiding judge questioned YAMASHITA about HIRANO's position in the KODOKAI and the magazine, 'KODO' (Imperial Way). YAMASHITA testified:

"I believe HIRANO was chief of the stumping section department, handling speaking tours. Besides, as one of the standing executives, he was chiefly engaged in farm-village problems. He did a lot particularly for the farm-village problem in YAMANASHI Ken."

Then, defense attorney YAMAZAKI questioned YAMASHITA, "Is the answer HIRANO wrote that the object of the KODOKAI is the elevation of the status of tenant farmers correct?"

YAMASHITA testified: "I believe that it is correct, since HIRANO devoted himself to the study of farm-villages."

Defendant HIRANO then asked the witness to testify on how deeply he regarded the farm-village problem.

ITEM 1 Contractor Testifies in Nishio's Favor - Nihon Keizai - 10 Aug 48.
Translator: T. Fukushima. (UG)

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 Full Translation:

SHIMIZU, Yasuo, president of the SHIMIZU GUMI, testified in NISHIO, Suehiro's favor before the Tokyo District Court yesterday that the money given to NISHIO had been intended as a private donation, for there had been a stipulation that it should not go to the left-wing Socialists.

The sixth session of NISHIO's trial was opened by Chief Justice HASEGAWA at 1030 hours yesterday in the Tokyo District Court. HOSONO, Michio, Central Executive Commissioner of the Socialist Party, who had been an auditor of the party's accounts from October 1946 to January 1948, was introduced as the first witness of the day. He testified on the management of the party's accounts.

Then MIWA, NISHIO's defense counsel asked him how the donation was treated by the Socialist Party and whether a condition had been attached that it should not go to the left-wingers. HOSONO replied that, though ordinary contributions to the party were spent publicly after consulting the party's organs, money received on such a condition as in this case could not be entered in the party accounts, but was to be spent by the receiver at his discretion.

In the afternoon session, at 1300 hours, ONO, Bamboku, permanent director of the Democratic Liberal Party; CHIZAKI, Usaburo, former chief secretary of the Democratic Party; KAJI, Ryosaku, Democratic Representative; SHIMIZU, Yasuo, president of the SHIMIZU GUMI and NISHIMURA, Naoki, former director-general of the Research Bureau of the Home Ministry were called in as witnesses.

President SHIMIZU of the SHIMIZU GUMI deposed,

"I said that though the Socialist Party was infested with Reds, I would not object to donating money to NISHIO. At the time I was rather indifferent as to whether it was a contribution to the party or a private present to NISHIO. But now it seems to me that since a condition was attached, it should be construed to have been a private gift to NISHIO."

OMICHI, Sadaharu, official of the Attorney Generals Office, gave testimony on the purport and interpretation of the cabinet ordinance ordering political parties to register their funds. The court closed at 1810 hours. The prosecution's final argument will be heard on 16 August.

ITEM 9 Two-Year Sentence Asked in Kono Case - Tokyo Shimbun - 18 Aug 48.
Translator: H. Nakayama. (UG)

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 Full Translation:

The public hearings of KONO, Ichiro, former chief secretary of the Liberal Party who is charged with violating the purge ordinance and committing perjury before the Diet Illegal Property Transactions Committee, and MIURA, Toranosuke and ISOZAKI, Teijo, Democratic Liberal members of the Lower House who are accused of committing perjury before the said IPTC, were reopened 1050 hours yesterday morning, with Chief Judge Kato of the Tokyo District Court presiding.

The hearing of the testimonies of TSUJI Kanichi, Democratic-Liberal member of the Lower House, and TANAKA Kenkichi, Social Reformative member of the Lower House, who were to be called to testify, was canceled as they were away on trips. Consequently, the argument was opened by Prosecutor IDEI of the Tokyo District Public Prosecutors Office.

He claimed that false statements made by the leaders of the big political parties before the Diet showed they did not rate the authority of the Diet very highly and that it was an obstacle

to the democratization of JAPAN for purgees to engage in prohibited political movements in defiance of government ordinances and directives especially issued for the purpose.

He demanded a two-year's confinement for KONO, Ichiro (on charges of violating the purge ordinance and for perjury, and one-year jail sentences for ISOZAKI, Teijo and MIURA, Toranosuke (both for perjury).

ITEM 5 Nishio Insists Donations Were Private Gifts - Mainichi - 19 Aug 48.
 Translator: T. Fukushima. (GS)

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 Full Translation:

Former Deputy Premier NISHIO, Suehiro reiterated in his last plea before the Tokyo District Court yesterday that the money in question had been intended as a private gift to him.

The eighth session of NISHIO's trial was opened at 1040 hours yesterday at the Tokyo District Court, with Chief Justice HASEGAWA presiding.

Defense Counsel MIWA stated: "The prosecutor misrepresented the motive of the contractors' donations. They decided on a joint contribution to the three major parties in order to minimize their individual burdens. They were not asked to do so by Director MURAKAMI of the Liberal Party nor by Director AIZAWA of the Progressive Party.

"IIDA's testimony, on which the prosecutor placed so much reliance, is not very trustworthy. IIDA was once involved in the graft scandal of ex-Railway Minister UCHIDA, Shinya. This experience made him depose that the money handed to NISHIO had been a contribution to the Socialist Party, for he feared testimony to the contrary might cause the same trouble as in the Uchida case."

MIWA resumed his argument in the afternoon session, which opened at 1330 hours. He said that FUKAI had not been the main sponsor of the donation to the Socialist Party, but that the contribution had been realized through the good offices of TANAKA, Hajime. He pointed out that there is a difference between the amount of the contribution as reported by the Liberal Party and the amount of the receipt issued by Chief Secretary ONO of the party. This discrepancy, he asserted, indicates that the building contractors' donation was more than 3,500,000 yen, but no investigation was made of this point by the Prosecutor's Office. Therefore, it is quite unreasonable for the procuratorial authorities to prosecute NISHIO only, MIWA declared. His argument lasted five hours and 20 minutes.

After MIWA, NISHIO stood up for his final plea. He said:

"Early in February of last year, TANAKA, Hajime, president of the Sanko Commercial Firm, told me that some building contractors were talking of donating funds to the Liberal and Progressive parties, and that he himself was insisting on contributing an equal sum to the four major parties. On 2 April I went to OSAKA to register my candidacy, and I visited the OBAYASHI GUMI. Managing Director IMOSE of the company told me that a group of building contractors was going to make a joint subscription to the major parties, and that 200,000 yen of the OBAYASHI GUMI's contribution would go to us. After my return to TOKYO, I called on IIDA on 8 or 9 April. He said that of the money collected from builders, 500,000 yen would be allotted to me. He asked me whether I would accept this sum. When I replied in the affirmative, IIDA asked me to come on the 11th. On that day I received the money.

"At the time, I was introduced to FUKAI, Takeshi, managing director of the FUJITA GUMI. FUKAI said, 'This money is given to you so that you can spend it as you please, but I hope you will give some of it to Mr MORITO, to whom FUJITA is indebted.' On my way back I dropped in at the Shimbashi Branch Office of the Mitsubishi Bank, where I made out money orders. I put the money orders in envelopes, together with letters of encouragement which I had my secretary write the previous day, and I sent them to more than 30 candidates. The envelopes carried my address. It is true that I directed the letters to the election campaign offices of the candidates, but I did so because I was convinced that the money was a private gift to me."

Court was adjourned at 1815 hours. Sentence will be pronounced on 27 August.

ITEM 3 Supreme Court Achieves Remarkable Results - Asahi - 4 Aug 48.
Translators: J. Ide, N. Mina (UG & JJY).

Full Translation:

5-40
 The Supreme Court, which was established when the new Constitution went into effect detailed 1,472 judges to various courts throughout the nation as of the end of June this year. With the opening of the second petty court on 1 Oct 47 as the beginning, the Supreme Court has done its utmost to solve the various cases placed before it.

As of the end of June this year, the number of appeals accepted by the Supreme Court totalled 924---85 were civil and administrative cases, and 839 criminal cases. Of these, 611 cases---57 civil and administrative cases, and 554 criminal cases---were settled, and 313 cases were left pending.

On the average, 68 cases are aired each month, and this has proved quite a heavy task for the 15 judges of the Supreme Court. Moreover, the number of cases is gradually increasing.

Among the settled cases, 55 cases were studied by holding large public hearings, since these cases were accepted on the grounds of alleged violation of the Constitution. Most of the appeals to the Supreme Court were for such reasons as unreasonable sentences and alleged violation of the Constitution.

To function as the court of the people, the Supreme Court should publish all judgments and all documents upon which the judgments were made. This is the reason why the revised code of criminal procedure provides for the opening up of all judicial records. To manage the court for the benefit of the people, the entire people should be allowed to watch the court through the publication of such judgments. For this purpose, the Supreme Court, together with other higher courts, has published documentary records at least once a month.

The Supreme Court ruled that a criminal case was a violation of the Constitution on 23 July this year for the first time since its formation, cancelling two previous judgments by lower courts that "a judgment reached upon the basis of a confession obtains after illegal, prolonged detention is regrettable". (Reported on 24 July by this paper).

Chief patterns of judgment can be summarized as follows:

(1) Confessions in public hearings shall not fall under the category of "his own confession" provided in the third paragraph, Article 38, of the Constitution. In public hearings, the freedom of the accused is not restricted; nor is he obliged to confess. Therefore, he is in the position to act freely in public hearings without being compelled to testify against himself. In cases the accused should confess during public hearings, it shall not fall under the category of the violation of human rights to punish him upon the basis of this confession without any auxiliary proof.

(2) The death penalty is not a violation of Article 36 of the new Constitution, which reads that cruel punishments are absolutely forbidden.

(3) Judgment shall fall under the category of "official act" provided in Article 81 of the Constitution.

The domestic relations courts, which were organized 1 January this year, established their offices in 272 localities by the end of March. They have made remarkable strides in settling domestic disputes.

Chief Justice MIBUCHEI issued a statement yesterday, the main points of which are as follows:

"During the past one year, the Supreme Court dealt with a total of 920 cases, civil and criminal, of which 55 were tried and judged by major courts attended by all judges. On the other hand, more than 1,500 judges, including chief judges of superior and lesser courts of justice, were appointed. The Supreme Court set up branches of superior and local courts at respective districts. Not only that, the highest court enacted 57 regulations necessary to exercise judicial power.

"Our assertion that the position and compensation of judges must be better than that of ordinary government officials was approved by both the Diet and the Government. Therefore, the treatment of judges has been improved.

"To fulfill the courts' mission as stipulated by the new Constitution, we should renew our resolution to administer justice democratically and efficiently and thus increase our prestige."

**SUPREME COURT HITS
PROLONGED DETENTION**

Condemns 109-Day Imprisonment of Suspect Without Trial

Prolonged detention of a criminal suspect by the Kofu District Court was condemned by the Supreme Court as violating Constitutional rights. This is the first instance in the history of Japan that the Supreme Court has taken such action to protect human rights guaranteed by the Constitution, the Asahi states.

Suspected of having stolen a valise containing some ¥1,500, Siichi Imai, 47 was prosecuted January 17 of this year and sentenced to imprisonment on May 5 following his confession after being confined for 109 days without trial. Under Item 2, Article 38 of the Constitution it is provided that no confession by criminal suspects due to coercion, threat, prolonged detention by third degree methods shall constitute evidence.

Following court decision Imai was bailed but he brought the matter up to the Supreme Court through his lawyers. The Chief Justice and 15 judges of the Supreme Court then unanimously agreed that the prolonged detention infringed on human rights.

NIPPON TIMES JUL 27 1948

Even a Thief

There is encouraging assurance that the fundamental human rights will be faithfully respected in the New Japan. Such an assurance is embodied in the decision of the Supreme Court last week reversing the verdicts of two of the three lower courts which had previously passed judgment on the case of a certain alleged petty thief.

The alleged crime itself is an exceedingly small one, but the significance of the Supreme Court's ruling is not.

Within ten minutes after a bag containing ¥1,500 was snatched from a bicycle left in front of a butcher shop in a little village in Yamanashi Prefecture, a suspicious character, one Imai, was caught with the bag and the money in his possession. The story he told of having just bought the bag and its contents for ¥30 from a stranger was treated with the skepticism such a story was naturally bound to arouse, and being identified as the thief by the butcher-shop keeper, Imai was duly convicted by the local court. So far so good.

But Imai appealed to the Kofu District Court, whereupon after much delay the Court secured a confession from Imai. On the basis of this confession, the Kofu District Court upheld the verdict of the local court. Imai then appealed to the Tokyo Superior Court on the ground that the confession was not properly secured, but the Tokyo Superior Court sustained the Kofu District Court. Imai's lawyers then finally brought the matter before the Supreme Court.

In a unanimous opinion concurred in by all its members, the Supreme Court thereupon ruled that, inasmuch as Imai's confession had been secured after he had been held in detention for 109 days, the decisions of the Kofu District Court and the Tokyo Superior Court violated Article 38 of the Constitution which provides that "no confession shall be admitted in evidence if made . . . after prolonged arrest or detention."

Obviously few people, if any, believe that Imai is innocent of the crime of which he is accused. Few people, if any, believe that he should go unpunished. But even a thief has definite rights which should be scrupulously respected. If proved guilty, he should of course be punished, but until he is definitely proved guilty he must be considered innocent. He must be given every possible chance to clear himself of suspicion, and he must not be intimidated directly by force or threat of force or even indirectly by prolonged detention. Unless even the most highly suspected individual is fully assured of the maintenance of his fundamental rights, what safeguard will there be that some wrongly-accused innocent individual may not sometime be deprived of his fundamental rights?

As the Supreme Court itself declares in its statement, the issue it considered in the Imai case was not whether Imai was guilty of theft or not. The issue was whether or not the fundamental human rights guaranteed in the Constitution had been violated, and on this issue, the Supreme Court comments, it was remarkably simple to arrive at a decision.

Since the adoption of the new Constitution, the practices of the police and the courts have vastly improved over the formerly arbitrary

practices under the old regime. Where there are still some lapses from the highest democratic standards, which may occasionally occur as in the Imai case, it is reassuring that the Supreme Court stands ready to make the necessary corrections in most decided terms. The fact that the highest court of the land will stand guard over the rights of each and every citizen, even of a mean little thief, is a guarantee of the strength of Japan's new democratic principles.

JUL 30 1948

NIPPON TIMES

**SCAP LAW CHIEF LAUDS
SUPREME COURT ACTION**

Decision Termed Milestone on Road to Justice

SCAP's Legal Chief Thursday praised the recent Supreme Court decision protecting a defendant condemned by a lower court after prolonged detention, as "an action which . . . might be hailed as a milestone on the road toward a modern and democratic administration of justice."

The Supreme Court's decision, which reversed the action of two lower courts that had convicted the man on the basis of a confession he made after being confined 109 days, marked the first time in the history of Japan that the nation's highest court took such a step to protect human rights guaranteed by a constitution.

"It is with extreme satisfaction that I have learned of the Supreme Court's recent decision which declared unconstitutional and voided the judgments of the lower courts on the ground that they were based on inadmissible evidence, namely on a confession made after prolonged detention," Alva C. Carpenter, Chief of SCAP's Legal Section said.

"Thus, for the first time in the history of Japan the highest tribunal has used its novel power of constitutional review as a weapon for the protection of civil liberties of the individual as guaranteed in the new Bill of Rights. This action, which some future day might well be hailed as a milestone on the road toward a modern and democratic administration of justice, inspires the hope that the judges of Japan will grow increasingly conscious of their momentous responsibilities and become true guardians of the Constitution and its enlightened interpreters."

NIPPON TIMES JUL 31 1948

ITEM 11 Nishio Verdict to Be Handed Down Today - Mainichi - 27 Aug 48.

Translator: H. Nakayama. (UG)

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Full Translation:

Presiding Judge HASEGAWA of the Tokyo District Court will hand down the decision in the case of ex-State Minister NISHIO's perjury and violation of government ordinance No 328 at 1000 hours today.

In the event NISHIO is acquitted, the question of Prosecutor-general FUKUI's resignation may arise. But, in case NISHIO is sentenced to penal servitude, he will be ousted from politics, and also the moves of Attorney-general SUZUKI, who advised Prosecutor-general FUKUI to resign, are expected to come to the fore as an illustration of pressure exercised by political parties on the prosecution.

Hence, attention is now focused on the decision which Presiding Judge HASEGAWA will hand down.

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ITEM 5 Supreme Court to Set Up Branches - Asahi - 1 Sep 48. Translator:
A. Kido. (DD)

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Full Translation:

In order to speed up trials so that it may become worthy of the name of "People's Court," the Supreme Court has decided to create one or two branches in each district under its jurisdiction. On 1 September, a Miyazaki Branch of the Fukuoka Higher Court (Branch Chief: SHIRAIISHI, Kaname) will be established. Branch courts in KANAZAWA, HAKODATE, and MATSUE have already started functioning, while residents in AKITA, NIIGATA, NAGANO, and OKAYAMA also have started movements for attracting such a branch.

In response thereto the Attorney General's Office has adopted the plan to establish branches of the Superior Procurator's Office. The Supreme Court authorities hope that, with this new step, people will no longer forego their right of appeal because of expense and inconvenience because the court is too far away.

ITEM 8 Nishio Case Appealed to Superior Court. - Asahi - 4 Sep 48. Translator:
Y. Kurata. (JJY)

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Full Translation:

In a move to challenge the recent Tokyo District Court decision on the acquittal of former State Minister NISHIO, the prosecutors office yesterday decided to appeal the case to the Tokyo Superior Court. The decision came after Attorney General SUZUKI, Prosecutor-general FUKUI, and Director of Prosecution Affairs KIUCHI put final touches on the preceding two-day deliberations by the Supreme Prosecution Council.

According to the existing court regulations, government ordinance violation cases such as NISHIO's are to be committed for trial by the court within 10 days following the public trial (actually 15 days with both district court and superior court having leeways of three days and two days respectively. This being so, it is generally observed that the second trial will be finished by mid-October.

Although the prosecutors Office authorities maintain that the appeal was made for no reason other than their dissatisfaction with the district court decision, it is self-evident that the court decision leaves much to be clarified. The Tokyo District Court ruled that the money NISHIO received from building contractors can be regarded as a personal donation. It also recognized that NISHIO received the money in a private capacity. However, the records show that NISHIO's subsequent demand for "party" funds was turned down by the OBAYASHI-GUMI. Thus it can be said that the court must have been aware of the fact that the donation was made to the party, not to NISHIO as an individual.

The district court decision seems to have relied much upon the "Tanaka Information," but NISHIO himself did not trust the "information" at the beginning. This is evidenced by the fact that NISHIO did not ask the Illegal Property Transactions Committee to probe the Tanaka information, nor did he request the Prosecutors Board to investigate this information until he was formally sued. And his request was made through Attorney General SUZUKI. All these facts add up to a great doubt if the district court had gone too far in relying upon the Tanaka information.

Although it is said that the reason the donation was made in an underhanded manner is that NISHIO feared it might go into the hands of pro-Communists, the number of such pro-Communists is negligible and, therefore, the donation can be construed as being made to the party.

ITEM 18 Nishio Case Appeal Up by 18 Sep - Mainichi - 7 Sep 48.
Translator: U. Futonaka. (UG)

Full Translation:

The first public hearing on the prosecution appeal of the Nishio case will take place on 18 September at the latest, under Article 3 of the Supreme Court memorandum on expediting cases involving violations of government ordinances.

In view of the verdict of "not guilty" at the first trial, the selection of the chief prosecutor who is to make the appeal has been drawing attention. Finally, the task was assigned yesterday to Deputy Prosecutor NOMURA of the Tokyo Superior Prosecutor's Office.

Note: The memorandum of the Supreme Court concerning cases of government ordinance violation says that the record of trial will be sent from the first trial court to the superior prosecutors' office within three days of the prosecutor's appeal. The record will then be relayed within two days to the court of appeal, which is to conduct the first hearing within 10 days.

ITEM 2 Govt Ordinance Violation Trial Deadlocked - Akahata -
5 Sep 48. Translator: A. Sogawa. (RL)

Full Translation:

(ASAHIKAWA) - The second **public** trial of the case involving violation of Government Ordinance No. 201 by 16 members of the Yuhara Youth Action Corps of the Asahikawa chapter, Government Railway Workers Union, and TAMURA Tatsuo, chairman of the chapter's dispute committee, was held on 31 August at the Asahikawa District Court.

The trial reached a deadlock when the defendants and defense counsels clashed with court authorities over the question of validity of the government ordinance.

At the start of the trial, the judge rejected a statement made by OKABAYASHI Tatsuo, defense counsel. OTAKI, deputy corps leader, representing the defendants, declared that the trial has no legal basis. The judge demanded for the second time that the defense counsel retract his statement, and finally ordered him to remain silent.

Defense Counsel, OKABAYASHI read a joint-signature note, demanding the immediate release of 4,110 persons illegally arrested. OKABAYASHI said, "Government Ordinance No. 201 is legally invalid. To arrest so many people on the basis of this ordinance is an infringement of human rights. We want your reply on this point."

The prosecutor evaded the issue by saying, "We are merely exercising our authority in accordance with Government Ordinance No. 201. We have nothing to say in regard to legality of the ordinance. We leave that question in the hands of the judge." The judge, too, was unable to offer a clear-cut reply.

On the day of the trial, four microphones were provided for the 300 spectators at the request of the Court Dispute Committee. A speech by NUMAZAKI, Isao, Toho worker, was heard.

ITEM 18 Nishio Case Appeal Hearing Slated for 22 September - Asahi - 14 Sep 48.
Translator: H. Nakayama. (UG)

Full Translation:

Hearings on the appeal of the Nishio case will be opened on 22 September.

Chief Judge OTSUKA of the Tokyo Superior Court, associate judges NOGUCHI and HARA, associate prosecutor NOMURA, and attorneys MIWA, YASUI and UMINO will preside at the hearings.

ITEM 11 Ordinance Case Perplexes Sapporo Court in Oiwake Case - Akahata -
9 Sep 48. Translator: Y. Akabane. (TK)

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Full Translation:

The first public hearing on the job desertion case of Executive Chairman KONO, Yoshinori (28) and 13 others belonging to the Oiwake Engine Shed local of the Government Railway Workers Union was held at the jury court of the Sapporo District Court at 1000 hours on Tuesday in the presence of Chief Judge MURATA, Associate Judges UNO and YABUKI, Prosecutors OTAKE and KATO, and Attorneys KIDA Shigeharu, OKABAYASHI Tatsuo, SATO Sadao and WATANABE Shichiro.

Prosecutor OTAKE read the indictment. In rebuttal both OKABAYASHI and KIDA demanded the explanation of the prosecutor on the absurdity of the count and the legal authority of the 31 July Ordinance which constituted the basis of indictment. The prosecution persistently insisted on the validity of the ordinance.

In the afternoon, Attorneys KIDA and OKABAYASHI stated that the ordinance has no legal authority and the 14 accused insisted that their actions are not in violation of the ordinance. Then, defense attorneys demanded that the court should either dismiss the case or acquit the accused of the charge. After consultation with the judges, the presiding judge stated:

"In delivering judgment, it is considerably difficult to determine whether the ordinance itself is legitimate or unconstitutional. Besides, reference materials are lacking. We wish, therefore, to study the matter further before deliberating."

The court adjourned. The second hearing will take place on 28 September.

Following the statement of the count by Prosecutor OTAKE, Attorney OKABAYASHI demanded a prosecution explanation on the following five points in connection with the prosecutor's charge: 1. Are the facts enumerated in the count labor union activities? 2. Is it job desertion even if a resignation is sent in? 3. Does it constitute dispute tactics to violate business orders? 4. The meaning of conspiracy. 5. What authority is there to recognize the validity of the ordinance in question?

For this demand of the attorney's side, the prosecution resorted to a mute tactics, simply saying, "We cannot make an immediate reply". Defense Attorney KIDA, representing the defense counsels, further emphasized that the 31 July ordinance is contrary to the Constitution and international treaties.

He was followed by Attorney OKABAYASHI who supplemented KIDA's contention by earnestly setting forth in one hour and a half that the ordinance in question is in its contents a violation of the Japanese Constitution, the Potsdam Declaration, and the 16 principles of the Far Eastern Commission, and simultaneously contrary to the Japanese Constitution in its procedural details. Then he again demanded the opinion of the prosecution. He said: "If the prosecutors have any feelings as Japanese citizens, I hope they will clarify their views on the 31 July ordinance."

Although the presiding judge suggested that the prosecution reveal its views, it remained silent. Thereupon, Attorney OKABAYASHI further demanded: "No forced confession can be wrested from criminal suspects, but we think it the legitimate right of the people to demand explanations on such an important question from the prosecutors, who are at once ruling agents and civil servants of the nation. We ask the prosecution for further consideration." Prosecutors OTAKE and KATO looked somewhat pale and stubbornly kept silent.

The presiding judge was compelled to proceed to the question of whether the 14 accused would accept the facts contained in the count. The accused were unanimous in insisting that their actions did not

constitute any violation of the ordinance.

The defense attorneys demanded: "The 31 July ordinance is believed invalid. We, therefore, demand dismissal of the case. We have no objection to the court delivering an immediate judgment to acquit the accused. Since the substance of the ordinance is unconstitutional and its procedural treatment is mistaken, we wish the final judgment be given in this court."

As a result of consultation among the judges, they stated: "Inasmuch as the present case presents a very difficult question, making it impossible for us to determine if it is legitimate or unconstitutional, we desire to be given ample time for study."

Generally speaking, the first public trial struggle in connection with the Oiwake issue came to a close in a brilliant success.

ITEM 10 Unconstitutionality Theory Argued in Court - Asahi - 9 Sep 48.
 Translator: Y. Bannai. (JJY)

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 Full Translation:

Sapporo—Public trial of 14 job deserters of the Sapporo Railway, including Executive Committee Chairman, KONO, Yoshinori (29) of the Oiwake Engine Shed Local, who are charged with violation of Ordinance 201 was opened on 7 September at the Sapporo District Court.

Counsel OKABAYASHI, opposing the arraignment, insisted upon the invalidity of the administrative ordinance and its unconstitutionality. He argued that, without clarifying this point, the trial was impossible. He repeated the same argument before the presiding judge and demanded rejection of the indictment or a verdict of not guilty. The judge adjourned the session indicating that he would study the subject further.

The trial of Executive Committee Chairman TIMURA of the Asahikawa Local and others on charges of violation of an administrative ordinance opened at the Asahikawa District Court on 31 August. The issue of constitutionality, however, precluded examination, and the trial was halted because the accused had sent a complaint to the Supreme Court.

Prosecutor MIYAMOTO of the Supreme Prosecutors Office, charged with labor problems, stated:

"Communists and deserters construe the SCAP letter as being a recommendation and not an order and the Potsdam Imperial Ordinance as being a dead letter as a result of the enforcement of the new Constitution. However, the authorities concerned are of the opinion that the SCAP letter is a directive and that the Potsdam Imperial Ordinance is valid.

"The accused are trying to delay the trial by insisting upon the "unconstitutionality" theory. Countermeasures will be discussed at the national meeting of labor prosecutors to be held on 9 September.

ITEM 18 Prosecution Deliberately Slowing Up Attempted Assassination Trial - Akahata - 25 Sep 48. Translator: Y. Akabane. (JJY)

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 Full Translation:

Central Committeeman KAMEYAMA Kozo of the Communist Party, in connection with the attempted assassination of ITO Ritsu, a member of the same committee, called on Prosecutors TAKAHASHI and HIRAYAMA of the Tokyo District Prosecutors Office at 1400 hours Wednesday. He filed a strong protest claiming that it is an act of prosecution "sabotage" to leave pending the prosecution of would-be assassin YAMAMOTO Uichi, alias ASANUMA Ryuzo, 24, and his instigator, President TSUKAKOSHI Fukuji of the National Salvation Justice Party.

Earlier Prosecutor TAKAHASHI revealed as his private opinion that inasmuch as TSUKAKOSHI has a large following as the head of the National Salvation Justice Party, there is some doubt as to why he asked ASANUMA, with whom he came into contact, to assassinate Communist leaders. In addition, subsequent investigations have brought to light that ASANUMA was previously convicted of an infamous crime. The Tokyo District Prosecutors Office has so far refrained from prosecuting him for these reasons.

"This has given rise to rumors circulated by certain newspapers to the effect that these reasons for the procrastination of indictment on the part of the prosecution authorities may be a propaganda maneuver with some purpose or other. The prosecution authorities are clearly responsible for such a state of affairs", KAMEYAMA protested.

In reply to this, Prosecutor TAKAHASHI said: "Although a perusal of a pamphlet of the NSJP gives us the impression that the offense may have been a premeditated one; the evidence is not yet conclusive."

Thereupon, KAMEYAMA further stated: "There are ASANUMA's affidavits, and other material evidence, and TSUKAKOSHI confessed that he had handed a dagger to ASANUMA. So it is natural to indict them for premeditated assassination. The NSJP currently is going to the length of publicly circulating pamphlets to instigate violence and posting a large number of bills of the same purport. In an attempt to eliminating tough gangs, the authorities should take immediate steps to order the party itself to dissolve."

To this, the prosecutor simply said: The case has not yet been dropped."

Central Committeeman KAMEYAMA said in this connection: "If the authorities betray want of sincerity, we will lodge another complaint against the alleged offenders. Moreover, irrespective of the progress of the prosecution, we intend to demand to the Examination Bureau of the Supreme Prosecutors Office that the NSJP be dissolved."

SCAP LEGAL CHIEF LAUTS SUPREME COURT DECISION

540 SCAP's Legal Chief today praised the recent Supreme Court decision protecting a defendant condemned by a lower court after prolonged detention, as "an action which...might be hailed as a milestone on the road toward a modern and democratic administration of justice."

The Supreme Court's decision, which reversed the action of two lower courts that had convicted the man on the basis of a confession he made after being confined 109 days, marked the first time in the history of Japan that the nation's highest court took such a step to protect human rights guaranteed by a constitution.

"It is with extreme satisfaction that I have learned of the Supreme Court's recent decision which declared unconstitutional and voided the judgments of the lower courts on the ground that they were based on inadmissible evidence, namely on a confession made after prolonged detention," Alva C. Carpenter, Chief of SCAP's Legal Section said.

"Thus, for the first time in the history of Japan the highest tribunal has used its novel power of constitutional review as a weapon for the protection of civil liberties of the individual as guaranteed in the new Bill of Rights. This action, which

540 some future day might well be hailed as a milestone on the road toward a modern and democratic administration of justice, inspires the hope that the judges of Japan will grow increasingly conscious of their momentous responsibilities and become true guardians of the Constitution and its enlightened interpreters."

The Supreme Court decided, with 13 justices agreeing and only one dissenting, that the confession after prolonged detention of Siichi Imai, 47, infringed on human rights. Imai was arrested last January on suspicion of stealing a valise containing some 1,500 yen. After being confined 109 days, he confessed to the crime and was found guilty by the District Court in Tokyo. The High Court in Tokyo upheld the decision.

Declaring that the decision was illegal under the Japanese Constitution, Imai appealed successfully to the Supreme Court. Article 38 of the Constitution provides that "confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence."

PRESS RELEASE - AFPAC

JUL 29 1948

JAPANESE LEARN COURT PROCEDURES FROM MOVIE.

540 HEADQUARTERS EIGHTH ARMY, YOKOHAMA--More than 8000 Japanese witnessed four showings in the Naoya area theaters last week of the rock trial film "The Case of the Blood-stained Shirt," a movie designed to illustrate court procedures and legal rights of the Japanese under their new constitution.

Highlight of the program was the audience participation in which they were told at the end of the movie to render a verdict. This audiovisual technique coupled with audience participation is not new with education officers in the military government teams.

At the same time in the Sendai area the IX Corps Provost Court playing host to 24 Japanese court reporters demonstrated American court procedure. All of the reporters are preparing for examinations that will lead to judgeships. Those who pass will be seated after January 1, 1949 when Japan adopts the American concept of law--that a man is innocent until proven guilty.

PRESS RELEASE - AFPAC

OCT 11 1948

ITEM 9 Former Minister Sues Subordinates for Libel - Tokyo Shimbun -
21 Oct 48. Translator: S. Sakata. (SS)

Full Translation:

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 Former Commerce and Industry Minister MIZUTANI on 16 October sued KOJIMA, chairman of the executive committee of the ministry's employees union and leader of the Commerce and Industry Ministry's Corrupt Officials Purge Committee, and three other union members for libel. They were summoned to the Tokyo Prosecutors Office for examination at 1300 hours on 20 October.

This is the first time in the judicial history of this country that a minister has sued his subordinates.

ITEM 15 Court Delays Decision on Appeal by Kono's Lawyer - Mainichi - 11 Nov 48.
Translator: N. Miwa. (UG)

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 Full Translation:

A public hearing on former Chief Secretary KONO Ichiro of the Liberal Party and three others was held at 1040 hours yesterday at the Tokyo Superior Court.

Attorney ITO stated:

"Article 8 of the Diet Perjury Law, which stipulates that 'a complaint shall be filed', is based on related laws in AMERICA and ENGLAND. From this standpoint, it cannot but be regarded as a complaint."

Thus, in his statement, he emphasized that a complaint of the Lower House Illegal Property Transactions Committee would be a prerequisite to indictment. However, the Court Office decided to delay its decision on this issue until 15 November.

ITEM 2 Domestic Relations Cases Reflect Times - Jiji Shimpō - 27 Dec 48.
Translator: C. Akashi. (JJY)

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 Full Translation:

The Domestic Relations Court, which began functioning on 1 January of this year, handled 9,176 cases, involving adoption, property distribution, divorce, alimony, up to the end of November. Cases settled by this court through mediation alone totaled 2,296, or nine times the total of cases mediated by the Tokyo District Court the year before last, reflecting the existing hard times.

The Domestic Relations Court is expected to be merged with the Juvenile Court and to function as the Domestic Court from 1 January of next year.

A breakdown of the 2,296 cases brought before the Domestic Relations Court for mediation up to the end of November follows: 864 divorce cases, 459 cases demanding settlement upon severance of relations with common-law husbands or wives, 210 cases seeking support of children, and 1,627 others.

Most of the divorce cases were brought before the court by the wives, but there were also some in which a weak-hearted husband complained about the unfaithfulness of his wife or mistreatment by her. The amounts of solatium demanded range from 10,000 yen to 7,000,000 yen. Among the appellants are included such prominent figures as former peers and generals. The cases submitted to the Domestic Relations Court for mediation have mostly been settled successfully, with only 20 percent ending in breakups.

The Domestic Relations Court also handled 6,880 other issues during this year. A breakdown reveals adoption ranked first with 2,884 cases, followed by the change of children's family names with 1,565 cases, and the refusal of succession with 657 cases.

In one case, two persons fought over the adoption of one waif, to the surprise of court officials. On the other hand, there was a case in which an eldest son wanted to monopolize all the family property and consequently wrangled with other members of the family.

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 540 The Cabinet on 26 June accepted the resignation of Justice Riichi Shono from the Supreme Court. The Supreme Court confirmed the resignation on 28 June.

OUTGOING MESSAGES-SRS

1 JUL 1948

540 On 19 July for the first time in the history of Japan, the Supreme Court used its power of constitutional review to protect individual civil liberties guaranteed in the new Bill of Rights.

The decision was made in the case of Seiichi Imai, who was arrested last January on suspicion of stealing a valise containing ¥ 1,500. After being confined 109 days he confessed and was found guilty by the District Court in Tokyo. The High Court in Tokyo upheld the decision. Declaring that the decision was illegal under the Japanese Constitution, Imai appealed to the Supreme Court. Article 38 of the Constitution provides that "confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence."

The Supreme Court decided, with 13 justices agreeing and only one dissenting, that the confession after prolonged detention infringed on human rights.

OUTGOING MESSAGES-SRS

2 AUG 1948

540 Japanese Supreme Court judges and 57 criminal judges, representing eight high courts and 49 district courts throughout the country, held a two-day conference in Tokyo 29 and 30 July. The purpose of the conference was to discuss and acquaint themselves with the new Habeas Corpus Act, the Code of Criminal Procedure, the Inquest Law, the Juvenile Law and other legal reforms enacted by the Diet during the past 15 months.

OUTGOING MESSAGES-SRS

2 AUG 1948

540 Chief Justice Tadahiko Mibuchi of the Supreme Court announced 3 August that the court had handled 920 civil and penal cases during past year.

OUTGOING MESSAGES-SRS

5 AUG 1948

540 In an appeal before the Tokyo Higher Court 15 November, procurators asked that a sentence of one and one-half years' imprisonment be imposed on former Deputy Prime Minister Suehiro Nishio for perjury and violation of the government ordinance regulating donations to political parties.

OUTGOING MESSAGES-SRS

18 NOV 1948

Japan High Court Tries 920 Cases

A total of 920 cases, including 88 civil and 832 criminal, have been acted on by the Japanese Supreme Court in the first year of its existence, Jiji Press reports noted today. The Supreme Court was opened on August 4, 1947.

Of the 920 cases, 55 were so-called "un-constitutional" appeal cases which were dealt with by all judges of the Supreme Court.

Only two of the 55 cases resulted in the reversal of the lower courts' decisions. Decisions handed down by the Supreme Court on "un-constitutional" cases included the following:

A criminal case defendant's own confession at his public trial can provide a proof on which to convict him.

A defendant's own confession, if made after unduly long custody, cannot provide a proof.

The death penalty is not unconstitutional.

Besides being responsible for appointments and replacements of lower court judges, the Supreme Court held 125 conferences to adopt regulations on the judicial system.

Chief Judge Tadahiko Mibuchi said he was thankful for the goodwill and assistance rendered to the Supreme Court by Gen. Douglas MacArthur, Allied headquarters, the National Diet and other circles in the past year.

Mibuchi declared that the

Supreme Court would further strive to democratize and raise the efficiency of the judicial system and establish justice among the people.

STARS & STRIPES AUG 8 1948

Juvenile Court To Get Much Larger Authority

Correction And Protection Of Minors Aim Of New Bill

TOKYO, May 31.—A Juvenile Court bill aimed at the protection of street waifs as well as the correction of juvenile delinquents will be presented to the Diet shortly.

Worked out by the Government after careful deliberation, the new bill is to replace the hitherto-existing Juvenile Law by remarkably expanding the authority and sphere of activity of the Juvenile Court.

According to the bill, the projected Juvenile Court will be a court charged with the correction and protection of boys and girls who are not taken care of by parents or guardians. It will not only handle juvenile delinquents and waifs who have hitherto been under the protection of social workers, but also administer justice to those adults who are harmful to the welfare of minors.

Juveniles as stipulated in the bill comprise boys and girls under the age of 20. Those amenable to the trial at the court are classified as follows:

1. Juveniles committing acts against the Penal Code.
2. Juveniles inclined to disobey the proper direction of their protectors.
3. Juveniles having a habit of running away from home and absenting themselves from school.
4. Juveniles prone to commit acts injurious to the virtues of themselves or other persons.
5. Juveniles having bad friends, bad tastes, etc.
6. Juveniles forsaken or maltreated by their protectors.
7. Juveniles whose protectors are indifferent to their clothing, food, sanitation and education.
8. Juveniles whose homes are disorderly on account of their protectors' misconduct.

The Juvenile Court will have judges for juvenile, but no procurators. No preliminary hearing will be held. The Juvenile Court cannot mete out a heavier punishment than confinement. When it is deemed necessary, therefore, to pass a heavier punishment, juvenile offenders must be sent to other courts of justice.

MAINICHI JUN 1 1948

920 Cases Tried

The Supreme Court handled a total of 920 cases, including 88 civil and 832 criminal ones during the past one year since its inception on August 4, 1947, it was announced Tuesday on the first anniversary of the opening of the Court.

5 AUG 1948

NIPPON TIMES

Supreme Ct. 1st Anniv

920 Civil, Penal Cases Handled During Last 1 Yr.

TOKYO, Aug. 4.—The Supreme Court has handled a total of 920 civil and penal cases during the last one year since its inception on August 4, 1947, Chief Justice Tadahiko Mibuchi said.

On the first anniversary of the Supreme Court, Mibuchi told the press that judges have held 125 conferences to settle problems concerning the administration of judiciary affairs during the last one year.

Not only that, he continued, the Supreme Court appointed more than 1,500 judges, including the heads of the higher courts, and brought to a successful conclusion its drive for a wage scale for the judges higher than the standard for the Government officials in general with the approval of the Government and the Diet.

MAINICHI 5 AUG 1948

Kyoto Provost Court Finds 4 Persons Guilty

WITH EIGHTH ARMY IN KYGTO, Sept. 5.—Three Korean nationals and one Chinese national were found guilty of crimes from larceny to impersonation recently in the I Corps Provost Court.

Liue Ju Fieng, alias Den Ju Ho, Chinese national was found guilty of pickpocketing August 13, 1948, by General Provost Court and confined to five months hard labor.

Kin Sai Gen, Korean national was tried by General Provost Court, 27, August for impersonating a United States Army soldier and a member of the CIC and was confined to four years hard labor and deportation to Korea at the expiration of his sentence.

Pun Sho Kan and Gon El Ki, both Korean nationals were tried before a General Provost Court, August 29, for the impersonation of a CIC agent, found guilty, confined to hard labor for two years and deportation at the expiration of their sentences.

MAINICHI 6 SEP 1948

U.S. Court Procedures Explained to Japanese From Mock Trial Film

More than 8,000 Japanese witnessed four showings in the Nagoya area theaters last week of the mock trial film "The Case of the Blood-stained Shirt," a movie designed to illustrate court procedures and legal rights of the Japanese under their new Constitution. Highlight of the program was the audience participation in which they were told at the end of the movie to render a verdict. This audiovisual technique coupled with audience participation is not new with education officers in the military government teams. At the same time in the Sendai area the IX Corps Provost Court playing host to 24 Japanese court reporters demonstrated American court procedure. All of the reporters are preparing for examinations that will lead to judgeships. Those who pass will be seated after January 1, 1949 when Japan adopts the American concept of law—that a man is innocent until proven guilty.

13 OCT 1948

NIPPON TIMES

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**SUPREME COURT BEGINS
IMPEACHMENT ACTION**

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**Judge in Yamanashi Charged
With Illegal Conduct**

Chief Justice Tadahiko Mibuchi of the Supreme Court Tuesday instituted removal proceeding against a judge suspected of illegal action in what is said to be the first case of its kind since the judge impeachment system was enforced in Japan. The case simultaneously was turned over to the Judge Impeachment Court for trial and disposition.

The man involved is Michitaka Teraseko, 54-year-old judge of the Otsuki Court in Yamanashi Prefecture, who formerly practiced law and was appointed judge in October, last year, reports Kyodo.

He is suspected to have illegally given an advance warning to Akira Ina, a cotton spinner of Otsuki, that his home would be searched by the local procurators in connection with his suspected violation of the economic control laws.

21 OCT 1948

NIPPON TIMES

DOMESTIC COURT BUSY

540
**Handles Over 9,000 Cases Since
Its Inception This Year**

The Domestic Relations Court which was established in January this year handled 9,176 cases in the Metropolis up to the end of November and the majority were connected with divorce, property, adoption of an heir through marriage and payment of consolation money cases.

Out of 2,296 cases tried, 864 or 40 per cent were related with divorce followed by 459 cases demanding consolation money, reports Kyodo. There were a few men who complained of their wives' unfaithfulness. However, most of the divorce cases were filed by women because of troubles with their husbands' parents and also because of financial difficulties.

About 80 per cent of the cases were successfully mediated. From next year the Domestic Relations Court will be merged with the Juvenile Court and will become the Family Court.

28 DEC 1948

NIPPON TIMES

**FAMILY COURTS
TO MAKE DEBUT**

540
**Functioning on January 1
and Will Be Attached to
Each District Court**

The Family Affairs Court system into which the Domestic Relations Court and Juvenile Court systems are merged will begin functioning on January 1, 1949.

Under the new system, a Family Affairs Court will be attached to each of the District Courts scattered over the country. Each Family Affairs Court will be divided into the Family Affairs and Juvenile Sections.

In the Family Affairs Section, serious family troubles will be settled by a family affairs judge with the help of advisers while family troubles of a lighter nature will be settled by a mediation committee made up of a judge and two mediators.

In the Juvenile Section will be conducted investigations and examinations of juveniles who commit crimes and who are likely to commit crimes as well as adults who exercise nefarious influence on and maltreat juveniles. The punishment to be meted out by the Juvenile Court to guilty adults will not exceed a fine.

The present Domestic Relations Court system was inaugurated in January this year and the Juvenile Court system in 1923.

31 DEC 1948

NIPPON TIMES

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