

**GHQ/SCAP Records(RG 331)**  
**Description of contents**

- (1) Box no. 2206
- (2) Folder title/number: (27)  
Attorney General's Office Bills - 10th Diet
- (3) Date: Feb. 1951

(4) Subject:

Classification	Type of record
320	d, m, v

- (5) Item description and comment:  
Includes Contents List

(6) Reproduction:  Yes  No

(7) Film no. \_\_\_\_\_ Sheet no. \_\_\_\_\_



1. Amendments to Law for Establishment of Attorney Generals Office
2. Amendments to Law for Establishment of Inferior Courts and Their Territorial Jurisdiction
3. Amendment to Immovables Registration Law
4. Amendment to Offenders Prevention and Rehabilitation Law
5. Amendments to Court Organization Law etc

**Bill**

6. Bill for Total Number of Court Officials
7. Bill for Enforcement of Law for Partial Amendment to Commercial Code
8. Amendment to Law of Procedure in Non-Contentious Matters
9. Amendment to Law re: Yugen-Kaisha
10. Amendments to Bankruptcy Law & Composition Law
11. Corporation Reorganization Bill (SEE 11th and 12th SESSIONS)



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED FORCES

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: <b>PH&amp;W</b> Date: <b>20 February 1951</b> <span style="float: right;"><del>26-6076</del> <b>Capt Morris</b></span>
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by <b>Attorney General's Office.</b></p> <p>2. Your prompt comment is requested.</p> <p>1 Incl Bill for Partial Amends to Law for Establishment of Attorney-General's Office</p> <p style="text-align: right;">C. W.</p>
2.	<p>From: <b>PH&amp;W</b> To: <b>GS</b> <span style="float: right;"><b>Mr. Hetsker/es - 26-6988</b> <b>23 February 1951</b></span></p> <p><b>PH&amp;W</b> has reviewed subject draft legislation, <b>Bill for Partial Amendment of Law for Establishment of Attorney-General's Office,</b> and offers no objection to its immediate introduction to the Diet.</p> <p>1 Incl Withdrawn</p> <p style="text-align: right;">----- C. F. S. -----</p>



Draft Legislation

Capt Norris 26-6076

Govt Sec

G-2/PSD

20 February 1951

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by the Attorney General's Office.
2. Your prompt comment is requested.

1 Incl

Bill for Partial Amends to  
Law for Establishment of  
Attorney-General's Office

----- C. W. -----

P & P Div



Draft Legislation

*Atty Genls Office*

From: G-2

To: Govt Sec

Col Pulliam 26-5915  
Date: 23 February 51

2 PSD/G-2 has no objection to the proposed amendments to the Law for Establishment of the Attorney General's Office. This amendment will aid in correcting defects in the present law.

1 Incl  
w/d

-----C.A.W.-----



Draft Legislation

Capt Morris 26-6076

Govt Sec

IS/I&J

20 February 1951

1.
  1. Immediate introduction of the attached draft bill in the Diet is proposed by the Attorney General's Office.
  2. Your prompt comment is requested.

1 Incl  
Bill for Partial Amends to  
Law for Establishment of  
Attorney-General's Office

----- C. W. -----

P & P Div



From: LS

To: GS

21 February 1951  
A.J. McCormick, 57-8481

2

LS finds no legal or constitutional objections to the introduction of this bill.

1 Incl  
w/d

-----A.C.C.-----



Government Section  
Buck Slip

23 Feb 1951

FROM: P+T Div.  
TO: INITIAL DATE

_____	CHIEF.....	.....
_____	EX OFF.....	.....
_____	DEPUTY CHIEF.....	.....
_____	Col Wheeler.....	.....
_____	Chief Adm Div.....	.....
_____	Stat & Review.....	.....
_____	Civil Serv Div.....	.....
_____	Par & Pol Div.....	.....
✓	Public Aff Div.....	.....
_____	Public Adm Div.....	.....
_____	Admin Asst.....	.....
_____	Personnel Clerk.....	.....
_____	Chief Clerk.....	.....
_____	File.....	.....

FOR:

\_\_\_\_\_ INFORMATION  
\_\_\_\_\_ NECESSARY ACTION  
\_\_\_\_\_ ACTION  
\_\_\_\_\_ APPROVAL  
\_\_\_\_\_ INITIAL  
✓ \_\_\_\_\_ COMMENT OR CONCUR  
\_\_\_\_\_ RETAIN  
\_\_\_\_\_ RETURN  
\_\_\_\_\_ FIL  
\_\_\_\_\_ BURN

*No Comment CB.*  
*W* *---* *45*



No. 7

Date: February 13, 1951

Title of draft ~~Cabinet Order~~ Law

Bill for Partial Amendments to the Law for Establishment  
of the Attorney-General's Office (FOM 52)

The above draft ~~Cabinet Order~~ Law has been reviewed and approved by  
the Administrative Management Agency.

*Katsuhiko Onogi*

Katsuhiko ONOGI,  
Deputy Director,  
Administrative Management Agency.



Bill

Submitted to GS for Clearance  
through Legislative Affairs Section,  
Liaison Bureau, Ministry of Foreign Affairs  
(Tel. 57-6010)

Feb. 20, 1951

1. Number: FOM No. 52
2. Title: Bill for Partial Amendments to the Law  
for Establishment of the Attorney-General's  
Office.
3. Office in Charge: Attorney-General's Office
4. Date of Cabinet Approval: Feb. 16, 1951
5. SCAP Section concerned: Dr. Lews,  
Public Safety Division, G-2 Section.
6. Remark (Reference):

Reference copies are attached herewith.

7. GS Reviewers:

Received by GS

Date 2/20/51

CS: PHW  
G2/PSD  
ES/LJ



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris

Note No.

From: Govt Sec

To: LS/LAJ

Date: 26-6076  
23 February 1951

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by *Attorney General's Office*.

2. Your prompt comment is requested.

1 Incl

Partial Amendments to Law for  
Establishment of Inferior Courts  
& Their Territorial Jurisdiction

C. H.

P & P DIV

(2)



2/13

*Amendments to Law for Const. of  
Inferior Courts etc  
(AG)*

27 February 1951  
A.J. McCormick, 57-8488

From: LS                      To: GS

2                      Legal Section finds no legal objections to the introduction of  
draft bill.

1 Incl  
w/d

-----A.C.C.-----



Bill

Submitted to GS for Clearance  
through Legislative Affairs Section,  
Liaison Bureau, Ministry of Foreign Affairs  
(Tel. 57-6010)

Feb. 23, 1951

1. Number: FOM No. 55
2. Title: Bill for Partial Amendments to the Law  
for the Establishment of Inferior Courts  
and their Territorial Jurisdiction.
3. Office in Charge: Attorney-General's Office
4. Date of Cabinet Approval: Feb. 20, 1951
5. SCAP Section concerned: Mr. McGernick,  
Legislation and Justice Division, LS.
6. Remark (Reference):  

**See attached paper.**

7. GS Reviewers:

Received by GS

Date 2/23/51

GS:

LS/LS



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	<p style="text-align: right;"><b>Capt Norris</b></p> <p>From: Govt Sec      To: <b>LS/LJ</b>      Date: <b>26-6076</b> <b>24 February 1951</b></p> <p>1. Immediate introduction of the attached draft bill in the Diet is proposed by <b>Attorney General</b></p> <p>2. Your prompt comment is requested.</p> <p>1 Incl</p> <p><b>Amendment to Immovables Registration Law</b></p> <p style="text-align: right;">C. ..</p>
----------	--

P&P



2/24

*Immovables Registration*  
(A.G.)

27 February 1951  
R. T. Brunckhorst, 57-8502

From: LS                      To: GS

2

This Section has no legal objections to subject bill.

1 Incl  
w/d

-----A. G. O.-----



Bill

Submitted to GS for Clearance  
through Legislative Affairs Section,  
Liaison Bureau, Ministry of Foreign Affairs  
(Tel. 57-6010)

Feb. 24, 1951

1. Number: FOM 69
2. Title: Bill for Partial Amendments to the Immovables  
Registration Law, etc.
3. Office in Charge: Attorney-General's Office
4. Date of Cabinet Approval: Feb. 20, 1951.
5. SCAP Section concerned: Mr. Brunckhorst,  
Legislation & Justice Division, Mr. Otto, LS.
6. Remark (Reference):  
Reference copies are attached herewith.

7. GS Reviewers:

Received by

GS

Date

2/24/51.

CS;

LS/LS

~~MS~~



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris

Note No.

From: Govt Sec

To:

Date:

02/PSD

24 February 1951

1. Immediate introduction of the draft bill in the Diet is proposed by ~~Attorney General~~

2. Your prompt comment is requested.

~~1 - Incl~~ Amendment to Offenders Prevention and Rehabilitation Law

G. H.



Draft Legislation

From: G-2

To: Govt Sec

Col Pulliam 26-5915  
Date: 26 February 51

2

PSD/G-2 offers no objection to the proposed amendment to  
the Offenders Prevention and Rehabilitation Law.

1 Incl  
w/d

-----C.A.W.-----



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	<p style="text-align: right;"><u>Capt Norris</u> 26-6076</p> <p>From: Govt Sec      To: <b>PHW</b>      Date: <b>24 February 1951</b></p> <p>1. Immediate introduction of the attached draft bill in the Diet is proposed by <b>Attorney General</b></p> <p>2. Your prompt comment is requested.</p> <p>1 Incl</p> <p><b>Amendment to Offenders Prevention and Rehabilitation Law</b></p> <p style="text-align: right;">C. W. _____ Mr. Markson/es - 26-6988</p>
2.	<p>From: <b>PHW</b>      To: <b>GS</b>      Date: <b>27 February 1951</b></p> <p><b>PHW</b> has reviewed proposed Amendment to Offenders Prevention and Rehabilitation Law and offers no objection to subject Amendment.</p> <p>1 Incl n/c</p> <p style="text-align: right;">----- C. F. S. -----</p>



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED FORCES

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.

From: Govt Sec

To:

**LS/LJ**

Date:

**24 February 1951**

~~Capt Harris~~

26-6076

1. Immediate introduction of the attached draft bill in the Diet is proposed by

2. Your prompt comment **Attorney General** is requested.

1 Incl

**Amendment to Offenders Prevention and Rehabilitation Law**

C. N.

P&P



2/29

Subject: Amendment to Offenders Prevention and  
Rehabilitation Law

AG

From: LS

To: GS

Date: 26 February 1951  
L.A. Otto, 57-8502

This Section has no legal objections to the proposed  
subject bill.

1 Incl.  
w/d

-----A. G. C.-----



No. 19

Date: February 21, 1951

Title of draft <sup>Law</sup>  
~~Cabinet Order~~

Bill for Partial Amendments to the Offenders Prevention and  
Rehabilitation Law

The above draft <sup>Law</sup>  
~~Cabinet Order~~ has been reviewed and approved by  
the Administrative Management Agency.

*Katsuhiko Onogi*  
Katsuhiko ONOGI,  
Deputy Director,  
Administrative Management Agency.



Bill

Submitted to GS for Clearance  
through Legislative Affairs Section,  
Liaison Bureau, Ministry of Foreign Affairs  
(Tel. 57-6010)

Feb. 24, 1951

1. Number: FOM 68
2. Title: Bill for partial Amendments to the Offenders  
Prevention and Rehabilitation Law.
3. Office in Charge: Attorney-General's Office
4. Date of Cabinet Approval: Feb. 20, 1951.
5. SCAP Section concerned: Dr. Lewis,  
PSD, G-2 Section.
6. Remark (Reference):  
Reference copies are attached herewith.

7. GS Reviewers:

Received by CS

Date 2/24/51

CS:

G2/PSD  
PHW  
LS/LJ



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec      To: <u>LS/IAJ</u> Date: <u>27 February 1951</u> <span style="float: right;"><u>Capt Morris</u> 26-6076</span>
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by <u>Attorney General's Office.</u> 2. Your prompt comment is requested.  1 Incl <u>Bill for Partial Amends to Court Organization Law, etc.</u>  C. W.

P & P

34



Subject: Bill for Partial Amendment to  
Court Organization Law, etc.

From: LS

To: GS

Date: 26 March 1951  
A.J. McCormick, 8488

2. No legal objections to subject bill.

1 Incl.  
w/d

-----A.C.C.-----



Bill

Submitted to GS for Clearance  
through Legislative Affairs Section,  
Liaison Bureau, Ministry of Foreign Affairs  
(Tel. 57-6010)

Feb. 26, 1951

1. Number: FOM No. 77
2. Title: Bill for Partial Amendments to the Court  
Organization Law, etc.
3. Office in Charge: Attorney-General's Office.
4. Date of Cabinet Approval: Feb. 23, 1951
5. SCAP Section concerned: Mr. MacCormick,  
Legislation and Justice Division, IS.
6. Remark (Reference):

Reference copies are attached herewith.

7. GS Reviewers:

Received by CS

Date 2/26/51

CS: LK/LS.



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED FORCES

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris

26-6076

Note No.

From: Govt Sec

To: IS/IAJ

Date: 27 February 1951

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by Attorney General's Office.

2. Your prompt comment is requested.

1 Incl

Bill for Total Number of  
Court Officials

C. W. \_\_\_\_\_

P & P

6



26 March 1951  
A. J. McCormick, 57-8483

From: LS                      To: GS

2

No legal objections to subject bill.

1 Incl  
w/d

-----A.C.C.-----



Government Section  
Buck Slip

2/26 1950

FROM: W.P.  
TO: INITIAL DATE

- CHIEF.....
- EX OFF.....
- DEPUTY CHIEF.....
- Col Wheeler.....
- Chief Adm Div.....
- Stat & Review.....
- Civil Serv Div.....
- Par & Pol Div.....
- Public Aff Div.....
- Public Adm Div.....
- Admin Asst.....
- Personnel Clerk.....
- Chief Clerk.....
- File.....

FOR:

- INFORMATION
- NECESSARY ACTION
- ACTION
- APPROVAL
- INITIAL
- COMMENT OR CONCUR
- RETAIN
- RETURN
- FIL
- BURN

*OW*

*C. S. D. has no objection.*

*[Signature]*



Bill

Submitted to GS for Clearance  
through Legislative Affairs Section,  
Liaison Bureau, Ministry of Foreign Affairs  
(Tel. 57-6010)

Feb. 26, 1951

1. Number: FOM No. 73
2. Title: Bill for Total Number of Court Officials.
3. Office in Charge: Attorney-General's Office
4. Date of Cabinet Approval: Feb. 23, 1951
5. SCAP Section concerned: Mr. MacCormick,  
Legislation and Justice Division, LS.
6. Remark (Reference):  
Reference copies are attached herewith.

7. GS Reviewers:

Received by CS

Date 2/26/51

CS:

LS/KJ.  
CS/CS



A.G.

May 21, 1951.

Title of the Bill: Proposed Amendment to the Bill for  
Enforcement of Law for Partial  
Amendment of Commercial Code.  
(Proposed by ABE, Shungo).

I hereby certify that the above mentioned Bill  
does not violate any Directive issued by the Supreme  
Commander for the Allied Powers and the Constitution  
of Japan, and that any provision of this Bill, except  
those providing for exceptions, does not contradict  
any other law.

*Foshio Irie*

Chief, Legislative Bureau,  
House of Representatives.

*Rec'd GS 5/21/51*

*Orally cleared by ESS (Sullivan) 7*  
*with GS (Williams) 5/22/51.*

②



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris

26-6076

Note No.

From: Govt Sec

To: LS/1A3

Date: 13 February 1951

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by Attorney General's Office.

2. Your prompt comment is requested.

1 Incl

Bill for Enforcement of Law  
for Partial Amendment of  
Commercial Code

C. W.

P & P Div



Subject: Bill for Enforcement of Law for  
Partial Amendment of Commercial Code

From: LS

To: GS

Date: 7 March 1951  
Kurt Steiner, 57-3503

2.

This Section has no legal objections to subject bill.

1 Incl. w/d

----- A.C.C. -----



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris

Note No.

From: Govt Sec

To: ESS

Date:

33 February 1951  
86-6096

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by ~~Attorney General's Office.~~

2. Your prompt comment is requested.

1 Incl

Bill for Enforcement of Law  
for Partial Amendment of  
Commercial Code

C. W.



*WFM*  
WFM/RMG/INS/IE/kh

Mr. Eisenstein 26-6664

Date: 21 FEB 1951

From: EBS

To: GS

- 2. 1. No objection to the introduction in the Diet of Bill for Enforcement of Law for Partial Amendment of Commercial Code.

1 Incl  
n/s

----- W. F. M. -----

EBS  
59 FEB 1951

102E



Bill

Submitted to GS for Clearance  
through Legislative Affairs Section,  
Liaison Bureau, Ministry of Foreign Affairs  
(Tel. 57-6010)

Feb. 13, 1951

1. Number: FOM No.43
2. Title: Bill for Enforcement of the Law for  
Partial Amendment of Commercial Code
3. Office in Charge: Attorney-General's Office
4. Date of Cabinet Approval: Feb. 13, 1951
5. SCAP Section concerned:  
Mr. Eisenstein, Fair Trade Practices Div., E.S.S.
6. Remark (Reference):

*Reference copies are attached herewith.*  
~~New Commercial Code of Japan~~

7. GS Reviewers:

Received by

CS

Date

2/13/51.

CS:  
ESS  
LSKS



May 21, 1951.

Title of the Bill: Proposed Amendment to the Bill for  
Partial Amendment to the Law of  
Procedure in Non-Contentious Matters  
(Proposed by ABE, Shungo)

I hereby certify that the above mentioned Bill  
does not violate any Directive issued by the Supreme  
Commander for the Allied Powers and the Constitution  
of Japan, and that any provision of this Bill, except  
those providing for exceptions, does not contradict  
any other law.

Chief, Legislative Bureau,  
House of Representatives.

*Toshio Irie*

*Rec'd GS 5/24/51  
orally cleared by ESS (Lillies)  
with BS (Williams) 6/24/51*

⑧



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED FORCES

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

**Capt Norris**

Note No.

From: Govt Sec

To: **LS/LJ**

Date:

26-6076

**24 February 1951**

1. Immediate introduction of the attached draft bill in  
the Diet is proposed by **Attorney General**

2. Your prompt comment is requested.

1 Incl

**Amendments to Law of Procedure in Non-Contentious Matters**

C. N. \_\_\_\_\_

p&p



6 March 1951  
R. T. Brunkhorst, 57-8502

From: LS                      To: GS

2

This Section has no legal objections to subject bill.

1 Incl  
v/d

-----A.C.C.-----



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

~~Capt Norris~~  
26-6076

Note No.

From: Govt Sec To: **ESS** Date: **24 February 1951**

1. Immediate introduction of the attached draft bill in the Diet is proposed by

**Attorney General**

2. Your prompt comment is requested.

1 Incl

**Amendments to Law of Procedure in Non-Contentious Matters**

C. ...

*W. F. M.*  
WFM/EAR/BNL/em  
Mr. Larsen, 26-6142  
3 MAR 1951

File No: 010(24 Feb 51)ESS/PT

From: ESS To: Govt Sec

2

There is no objection to the introduction in the Diet of the attached draft Amendments to Law of Procedure in Non-Contentious Matters.

1 Incl.  
n/c

-----W. F. M.-----



Bill

Submitted to GS for Clearance  
through Legislative Affairs Section,  
Liaison Bureau, Ministry of Foreign Affairs  
(Tel. 57-6010)

Feb. 24, 1951

1. Number: FOM 70
2. Title: Bill for Partial Amendments to the Law of Procedure  
in Non-Contentious Matters.
3. Office in Charge: Attorney-General's Office
4. Date of Cabinet Approval: Feb. 20, 1951
5. SCAP Section concerned: Mr. Brunckhorst,  
Legislation & Justice Division.  
Mr. Otto, LS.
6. Remark (Reference):  
Reference copies <sup>sent</sup> attached herewith.

7. GS Reviewers:

Received by CS  
Date 2/24/51

CS: LS/LS  
ESS



AG.

May 21, 1951.

Title of the Bill: Proposed Amendment to the Bill for Partial Amendments to Law relating to Yugen-Kaisha (Proposed by ABE, Shungo)

I hereby certify that the above mentioned Bill does not violate any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, and that any provision of this Bill, except those providing for exceptions, does not contradict any other law.

*Joshio Inui*

Chief, Legislative Bureau,  
House of Representatives.

*Rec'd GS 5/21/51  
orally cleared by ESS (Killion)  
with GS (Killeans) 5/22/51*

(9)



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Maj Guide

Note No.

From: Govt Sec

To: IS/IAJ

Date: 26-6076  
28 February 1951

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by **Attorney General's Office**.

2. Your prompt comment is requested.

1 Incl

**Bill for Partial Amendments  
to law relating to Yugen-Kaisha**

C. W.



Subject: Bill for Partial Amendments to the  
Law Relating to Yugen-Kaisha

From: LS

To: GS

Date: 7 March 1951  
Kurt Steiner, 67-3503

2. This Section has no legal objections to subject bill.

1 Incl. w/d

----- A.C.C. -----



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To: ESS	Date: 28 February 1951
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by <b>Attorney General's Office.</b></p> <p>2. Your prompt comment is requested.</p>		
	<p>1 Incl <b>Bill for Partial Amendments to Law Relating to Yugen-Kaisha</b></p>		
	C. W.		

Maj Guida

26-6076

P & P



29

Mr. Eisenstein  
WFM/RND/LNS/LE/SS  
Date: 6 MAR 1951

From: ESS To: GS

- 2. 1. Reference is C/N 1 from GS to ESS, dated 28 Feb 51, subj: Draft Legislation, transmitting Bill for Partial Amendments to Law Relating to Eugen Kaisha.
- 2. No objection is interposed to introduction of reference Bill in the Diet.

1 Incl

- E/d ----- W. F. H. -----

200015 40



Bill

Submitted to GS for Clearance  
through Legislative Affairs Section,  
Liaison Bureau, Ministry of Foreign Affairs  
(Tel. 57-6010)

Feb. 27, 1951

1. Number: FOM No. 81
2. Title: Bill for Partial Amendments to the Law  
relating to Yugen-Kaisha.
3. Office in Charge: Attorney-General's Office
4. Date of Cabinet Approval: Feb. 23, 1951
5. SCAP Section concerned: Mr. Eisenstein,  
Fair Trade Practices Division, ESS.
6. Remark (Reference):

Reference copies are attached herewith.

7. GS Reviewers:

Received by CS

Date 2/27/51

CSX: LS/LVT  
ESS



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris

26-6076

Note No.

From: Govt Sec

To: ~~SS~~

Date: 21 April 1951

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by ~~Attorney General's Office.~~

2. Your prompt comment is requested.

1 Incl

Bill for Partial Amendments to  
Bankruptcy Law & Composition Law

7 62 ..



Mr. Salwin, 26-6671

From: ESS

To: GS

Date: <sup>*WFM*</sup> 9 MAY 1951

2. No objection is interposed to introduction of attached draft bill in the Diet.

1 Incl  
n/c

----- W. P. M. -----



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To: IS/LAS	Date: 21 April 1951
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by <b>Attorney-General's Office.</b></p> <p>2. Your prompt comment is requested.</p>		
	<p>1 Incl</p> <p><b>Bill for Partial Amendments to Bankruptcy Law &amp; Composition Law</b></p>		

Capt Morris

26-6076

P. R.

P & P



Subject: Bill for Partial Amendment to Bankruptcy  
Law & Composition Law

From: LS

To: GS

Date: 7 May 1961  
R.T.Brunckhorst, 57-8502

2. This Section has no legal objections to the proposed  
amendment.

1 Incl.

n/d

-----A.C.C.-----



Bill

Submitted to GS for Clearance  
through Legislative Affairs Section,  
Liaison Bureau, Ministry of Foreign Affairs  
(Tel. 57-6010)

April 21, 1951

1. Number: FOM 144
2. Title: Bill for Partial Amendments to the Bankruptcy  
Law and the Composition Law
3. Office in Charge: Attorney General's Office
4. Date of Cabinet Approval: April 10, 1951
5. SCAP Section concerned: Mr. Salwin, Fair Trade  
Practices Div., ESS.
6. Remark (Reference):  
Reference copies are attached herewith.

7. GS Reviewers:

Received by CS

Date 4/21/51

CS: ESS  
LS/KJ



Bill for Partial Amendments to  
the Bankruptcy Law and the Composition Law.

Article 1. The Bankruptcy Law (Law No. 71 of 1922) shall be partially amended as follows:

In Article 6 paragraph 3, "paragraph 2 of the same Article" shall be amended as "paragraph 4 of the same Article."

Articles 18 to 21 inclusive shall be amended as follows:

Articles 18 to 21 inclusive. Deleted.

The following end-sentence shall be added to Article 22:

"The same shall apply to the periodical obligations of which the sum or the duration is indefinite."

Article 38 shall be amended as follows:

Article 38. The costs of participation in the bankruptcy proceedings shall be a claim in bankruptcy.

Article 46 shall be amended as follows:

Article 46. The following claims shall be subsequent to the other claims in bankruptcy:

- (1) The interest after the adjudication of bankruptcy;
- (2) The damages and the penalty on account of non-performance after the adjudication of bankruptcy;
- (3) The costs of participation in the bankruptcy proceedings;
- (4) The fine, police fine, costs of the criminal procedure, additional imposition and administrative fine;
- (5) In cases where an obligation bears no interest and its time of performance shall come after the adjudication of bankruptcy, the part equivalent to the amount of interest computed through calculation whereby the total of the principal and interest from the time of adjudication of bankruptcy to the time of performance in terms of the legal rate of interest shall become the amount of such obligation;
- (6) In cases where an obligation bears no interest and its time of performance is indefinite, the part equivalent to the difference



between the amount of such obligation and its valuation at the time of adjudication of bankruptcy;

- (7) In cases where an obligation is a periodical obligation with a definite sum and duration, the part equivalent to the total <sup>of</sup> interests computed for the respective periodical sums by applying mutatis mutandis the provisions of item (5), and if the total of the principals computed for the respective periodical sums by applying mutatis mutandis the provisions of the same item exceeds the principal which shall bear an interest equivalent to such periodical sum in terms of the legal rate of interest, the part equivalent to such excess.

In Article 52, "Articles 17 to 20 inclusive" shall be amended as "Article 17" and the following one paragraph shall be added to the same Article:

If the superior obligations mentioned in the preceding paragraph are obligations bearing no interest or periodical obligations, their amount shall be such as has been deducted by an amount equivalent to the part which, if such obligations were claims in bankruptcy, should have been subsequent to other claims in bankruptcy in accordance with the provisions of Article 46 items (5) to (7) inclusive.

Article 102 shall be amended as follows:

Article 102. If the claim of the bankrupt creditor is an obligation bearing no interest or a periodical obligation, he may make a set-off only to the extent of the amount deducted by the part mentioned in Article 46 items (5) to (7) inclusive.

The provisions of Articles 22 and 23 shall apply mutatis mutandis to the claim of the bankrupt creditor.

In Articles 105 and 106 and Article 107 paragraph 1, "the Local Court" shall be amended as "the District Court."

Article 113 shall be amended as follows:

Article 113. Deleted.

In Article 116, "the branch office . . ., or the city office or the town or village office within the jurisdiction thereof" shall be amended as "the Summary Court . . ., or an office of a city, town or village within the jurisdiction thereof."



In Article 133 paragraph 1, "or an industrial union" shall be deleted and "a mercantile partnership, limited partnership or limited company en commandite" shall be amended as "a mercantile partnership or limited partnership", and "mutual insurance company" as "mutual company."

Article 146 shall be amended as follows:

Article 146. The provisions of the preceding Article shall not apply in cases where a sum sufficient to cover the costs of bankruptcy proceedings has been prepaid.

In Article 149 paragraph 2, "the police-office" shall be amended as "the National Rural Police or municipal police official of a police-station."

In Article 151 paragraph 2, "the police-office" shall be amended as "the National Rural Police or municipal police official."

The following one paragraph shall be added to Article 182:

The bankrupt creditor may not exercise the vote in respect of the claims mentioned in Article 46.

In Article 186 paragraph 1, "the clerk of the court, bailiff" shall be amended as "the court clerk, marshal."

In Article 187, "the clerk of the court" shall be amended as "the court clerk."

In Article 188, "the clerk of the court, bailiff" shall be amended as "the court clerk, marshal."

In Article 197, "one thousand yen" shall be amended as "one hundred thousand yen."

The end-sentence of Article 207 shall be deleted.

Articles 208 to 224 inclusive shall be amended as follows:

Articles 208 to 224 inclusive. Deleted.

In Article 228 paragraph 1, next to "if there is . . . priority, such right," "if the claims mentioned in Article 46 are included, their classification" shall be added.

In Article 229, "the clerk of the court" shall be amended as "the court clerk" and in item (3) of paragraph 1 of the same Article, next to "such right," ", if the claims mentioned in Article 46 are included,



their classification" shall be added.

In Article 240 paragraph 1, "the amount of claims and the priority" shall be amended as "the amount of claims, the priority and the classification of the claims mentioned in Article 46."

In Article 241 paragraph 2, "the clerk of the court" shall be amended as "the court clerk."

The proviso of Article 245 shall be deleted.

Article 253 shall be amended as follows:

Article 253. Deleted.

In Article 254 paragraph 1, "Article 38" shall be amended as "Article 46."

In Article 255 paragraph 1, "an administrative action" shall be amended as "an action."

In Article 258 paragraph 2, "in order" shall be amended as "in order and as regards those which have not priority, they shall be stated, distinguishing those which are subsequent to other claims in accordance with the provisions of Article 46 from others."

In Article 271 item (2), "an administrative action" shall be amended as "an action."

In Article 280 item (2), "an action of objection, a petition or an administrative action" shall be amended as "an action or a petition."

In Article 322, "the clerk of the court" shall be amended as "the court clerk."

Article 353 paragraph 2 shall be amended as follows:

The provisions of the preceding paragraph shall not apply in cases where a sum sufficient to cover the costs of bankruptcy proceedings has been prepaid.

In Article 358 paragraph 1, Article 359 paragraph 1 and Article 360, "ten thousand yen" shall be amended as "one million yen."

"Book III Rehabilitation" shall be amended as "Book III Discharge and Rehabilitation."

Before Article 367, the titles of Chapters and twenty Articles shall be added as follows:



their classification" shall be added.

In Article 240 paragraph 1, "the amount of claims and the priority" shall be amended as "the amount of claims, the priority and the classification of the claims mentioned in Article 46."

In Article 241 paragraph 2, "the clerk of the court" shall be amended as "the court clerk."

The proviso of Article 245 shall be deleted.

Article 253 shall be amended as follows:

Article 253. Deleted.

In Article 254 paragraph 1, "Article 38" shall be amended as "Article 46."

In Article 255 paragraph 1, "an administrative action" shall be amended as "an action."

In Article 258 paragraph 2, "in order" shall be amended as "in order and as regards those which have not priority, they shall be stated, distinguishing those which are subsequent to other claims in accordance with the provisions of Article 46 from others."

In Article 271 item (2), "an administrative action" shall be amended as "an action."

In Article 280 item (2), "an action of objection, a petition or an administrative action" shall be amended as "an action or a petition."

In Article 322, "the clerk of the court" shall be amended as "the court clerk."

Article 353 paragraph 2 shall be amended as follows:

The provisions of the preceding paragraph shall not apply in cases where a sum sufficient to cover the costs of bankruptcy proceedings has been prepaid.

In Article 358 paragraph 1, Article 359 paragraph 1 and Article 360, "ten thousand yen" shall be amended as "one million yen."

"Book III Rehabilitation" shall be amended as "Book III Discharge and Rehabilitation."

Before Article 367, the titles of Chapters and twenty Articles shall be added as follows:



Chapter I Discharge

Article 366-(2). The bankrupt may apply for discharge to the Bankruptcy Court at any time up to the end of bankruptcy proceedings. However, when a ruling of abelishment of bankruptcy has been rendered at the same time as the adjudication of bankruptcy, such application may be made within one month even after such ruling has become irrevocable.

When the bankrupt has applied for discharge, he may not offer compulsory composition or apply for the abelishment of bankruptcy under the provisions of Article 347.

When the bankrupt has offered compulsory composition, he may not apply for discharge unless after a ruling in dismissal or disapproval thereof has become irrevocable or compulsory composition has been rejected in a meeting of creditors.

When the bankrupt has applied for the abelishment of bankruptcy under the provisions of Article 347, he may not apply for discharge unless after a ruling in dismissal thereof has become irrevocable.

In cases where the bankrupt was unable to apply for discharge in accordance with the provisions of paragraph 1 owing to any cause for which he is not responsible, he may complete subsequently application for discharge only within one month after such cause has ceased to exist.

Article 366-(3). The bankrupt shall submit simultaneously with the application for discharge the register of creditors in which the full name and the permanent residence of the known bankrupt creditors, the amount of claims in bankruptcy, the cause thereof, the subject-matter of rights of separation, if there are such rights, and the amount of obligations which is not performed by the exercise of right of separation, shall be stated. If he cannot submit it simultaneously with the application, he shall do so thereafter without delay.

Article 366-(4). When the bankrupt has applied for discharge, the Court shall hear his statement, fixing the date therefor.

A ruling fixing the date mentioned in the preceding paragraph shall be noticed publicly and served on the public procurator, the trustee



in bankruptcy and the known bankrupt creditors who are to be affected by discharge.

The provisions of the preceding paragraph shall apply mutatis mutandis to the alteration of the date mentioned in paragraph 1 as well as the postponement and the continuance of the hearing of statement.

The provisions of the proviso of Article 238 and Article 239 shall apply mutatis mutandis to a ruling under the provisions of the preceding two paragraphs.

The date mentioned in paragraph 1 may be combined with the date of meeting of creditors or investigation of credits.

Article 366-(5). The Court may cause the trustee in bankruptcy to investigate as to whether or not there is any cause for not permitting discharge and to report the result of such investigation at the date of hearing of statement mentioned in the preceding Article.

Article 366-(6). The Court shall keep documents concerning the application for discharge and those concerning the investigation of the trustee in bankruptcy under the provisions of the preceding Article for inspection by the persons interested.

Article 366-(7). The public procurator, the trustee in bankruptcy or the bankrupt creditors who are to be affected by discharge may raise objection to the Court against the application for discharge at the date of hearing of statement mentioned in Article 366-(4) or within a term not less than one month fixed by the Court at such date.

When a ruling fixing the term mentioned in the preceding paragraph has been pronounced, the service thereof is not required.

Article 366-(8). When objection has been raised, the Court shall hear the opinion of the bankrupt and the person who has raised objection.

Article 366-(9). Only in the following cases, the Court may render the ruling of not permitting discharge:

- (1) When it is recognized that there has been an act falling under any of the crimes mentioned in Articles 374, 375, 377 or 382 on the part



of the bankrupt;

- (2) When the bankrupt has obtained property by credit transactions within one year before the adjudication of bankruptcy, through fraudulent means to make others believe, in spite of the existence of a fact which is the cause of bankruptcy, that it does not exist;
- (3) When the bankrupt has submitted a false register of the creditors or made a false statement as to the status of his property to the Court;
- (4) When the bankrupt has obtained discharge within ten years before the application for discharge;
- (5) The bankrupt has violated any of his duties provided for in this Law.

Article 366-(10). When the bankrupt has failed to appear without proper reason at the date for trial for discharge or has appeared but refuses to make a statement, the Court may reject the application for discharge.

In the case mentioned in the preceding paragraph, the bankrupt may not apply for discharge again as to the same bankruptcy.

Article 366-(11). The ruling of discharge shall not have its effect until it becomes irrevocable.

Article 366-(12). The bankrupt who has obtained discharge shall be relieved of his liability in respect of the whole obligation to the bankrupt creditors, except dividend under the bankruptcy proceedings; but this shall not apply to the following claims:

- (1) Taxes;
- (2) Damages on account of torts committed by the bankrupt with malicious intent;
- (3) Wages of employees, but limited to such portion thereof as has the general preferential right;
- (4) Money entrusted by employees and their guaranty-money for good conduct;
- (5) Claims which the bankrupt has knowingly failed to state in the register of creditors, except cases where the creditor has known the adjudication of bankruptcy;



(6) Fine, police fine, costs of criminal procedure, additional imposition, and administrative fine.

Article 366-(13). Discharge shall have no effect upon the right which a bankrupt creditor has against a surety of the bankrupt or other persons who bear an obligation together with the bankrupt and upon the security furnished for the benefit of bankrupt creditors.

Article 366-(14). When a ruling of discharge has become irrevocable, the Court shall notice publicly the text thereof and, if there is a list of claims, enter therein that the ruling of discharge has become irrevocable.

Article 366-(15). When the bankrupt has been judged guilty of fraud bankruptcy and the judgment has become irrevocable, the Court may, on application of the bankrupt creditor or of its own motion, render a ruling of revocation of discharge. The same shall apply if a bankrupt creditor has applied for revocation of discharge within one year from discharge, in cases where it has been obtained by an dishonest means on the part of the bankrupt.

Article 366-(16). The Court shall hear the opinion of the bankrupt and the person who has made an application before making a judgment for revocation of discharge.

Article 366-(17). A ruling of revocation of discharge shall not have its effect until it becomes irrevocable.

Article 366-(18). When discharge has been revoked, any person who has come to have a credit against the bankrupt on account of a cause which has arisen after discharge and before its revocation shall be entitled to performance in preference to other creditors.

Article 366-(19). When a ruling of revocation of discharge has become irrevocable, the Court shall notice publicly the text thereof and, if there is a list of claims, enter therein that the ruling of revocation of discharge has become irrevocable.

Article 366-(20). The provisions of Articles 108 to 112 inclusive and 114



to 118 inclusive shall apply mutatis mutandis to the proceedings of discharge and of revocation of discharge.

## Chapter II Rehabilitation

Article 366-(21). The bankrupt shall be rehabilitated in any of the following cases:

- (1) Where a ruling of discharge has become irrevocable;
- (2) Where a ruling of approval of compulsory composition has become irrevocable;
- (3) Where a ruling of abolishment of bankruptcy in accordance with the application under the provisions of Article 347 has become irrevocable;
- (4) Where ten years have elapsed without the bankrupt being given the irrevocable judgment of guilty in respect of fraudulent bankruptcy after the adjudication of bankruptcy.

When a ruling of revocation of discharge or compulsory composition has become irrevocable, rehabilitation under the provisions of item (1) or (2) of the preceding paragraph shall lose its effect for the future.

Article 367 shall be amended as follows:

Article 367. When the bankrupt who has not obtained rehabilitation under the provisions of the preceding Article has been relieved of his liability in respect of the whole obligation to the bankrupt creditors through performance or any other method, the Bankruptcy Court shall render a ruling of rehabilitation on application of the bankrupt.

The person who has made application shall submit a document establishing that he has been relieved of his liability.

In Article 374 item (4), "the clerk of the court" shall be amended as "the court clerk."

In Article 375, "five thousand yen" shall be amended as "three hundred thousand yen", and in item (5) of the same Article, "the clerk of the court" shall be amended as "the court clerk."



In Article 377 paragraph 1, "one thousand yen" shall be amended as "fifty thousand yen."

In Article 380 paragraph 1 and Article 381 paragraph 1, "three thousand yen" shall be amended as "two hundred thousand yen."

In Article 382 paragraph 1, "one thousand yen" shall be amended as "fifty thousand yen."

Article 2. The Composition Law (Law No. 72 of 1922) shall be partially amended as follows:

In Article 11, "Article 113" shall be amended as "Article 114."

Next to Article 44, the following three Articles shall be added:

Article 44-(2). In cases where an obligation bears no interest and its time of performance shall come after the commencement of composition, the amount of composition claim shall be the amount of such obligation deducted by the legal interest on the composition claim from the time of the commencement of composition to the time of performance.

Article 44-(3). The provisions of the preceding Article shall apply mutatis mutandis to the periodical obligations with a definite sum and duration. However, in cases where the total thereof exceeds the principal which will bear the interest equal to the periodical sum in terms of the legal rate of interest, the amount of such principal shall be deemed the amount of composition claim.

Article 44-(4). In the case mentioned in Article 44-(2), if the time of performance is indefinite, the valuation at the time of the commencement of composition shall be deemed the amount of composition claim.

In Article 45, "Articles 17 to 20 inclusive" shall be amended as "Article 17."

In Article 68 paragraph 1 and Article 69 paragraph 1, "three thousand yen" shall be amended as "two hundred thousand yen."

In Article 70 paragraph 1, "one thousand yen" shall be amended as "fifty thousand yen."



Supplementary Provisions:

1. This Law shall come into force as from January 1, 1952.
2. In respect of cases concerning which the adjudication of bankruptcy has been made before the enforcement of this Law, the former rule shall still apply, notwithstanding the amended provisions of Articles 18 to 22 inclusive, 38, 46, 52, 102, 182, 228, 229, 240, 254 and 258 of the Bankruptcy Law (in respect of the amended provisions of Article 229 of the same Law, the part amending "the clerk of the court" as "the court clerk" shall be excluded).
3. The bankrupt in a case in respect of which bankruptcy proceedings have ended before the enforcement of this Law may apply for discharge within one year as from the date of enforcement of this Law, notwithstanding the provisions of Article 366-(2) paragraph 1 of the Bankruptcy Law, excluding the cases mentioned in Article 366-(21) paragraph 1 items (2) and (3) of the same Law. The same shall apply to the bankrupt in a bankruptcy case which is pending in Court at the time of enforcement of this Law.
4. The provisions of Article 366-(2) paragraph 5 of the Bankruptcy Law shall apply mutatis mutandis in cases where the bankrupt mentioned in the preceding paragraph was unable to apply for discharge within the period mentioned in the same paragraph owing to any cause for which he is not responsible.
5. The bankrupt for whom there was any of the causes mentioned in Article 366-(21) paragraph 1 items (2) to (4) inclusive of the Bankruptcy Law before the enforcement of this Law shall be rehabilitated at the time of enforcement of this Law.
6. When a ruling of revocation of compulsory composition has become irrevocable after rehabilitation was made by a ruling of approval of compulsory composition having become irrevocable in accordance with the provisions of the preceding paragraph, the rehabilitation shall lose its effect for the future.
7. The provisions of paragraph 5 shall apply mutatis mutandis to persons who have been subjected to bankruptcy (shindai-kagiri) and persons who are adjudged insolvent (kashibansan).



Reason

There is the necessity to adopt the system of discharge to facilitate the rehabilitation of the bankrupt acting in good faith, alter the amount of money, etc. of small bankruptcy according to the change of economic conditions, adjust the provisions following the amendment and abolition of other laws and orders and other matters. This is the reason for submission.