

with the necessary modifications under other Law: the same shall apply hereinafter) and in Art. 2 of the Law of the Costs of Criminal Action (including cases in which that Law is applicable with the necessary modifications under other Laws: the same shall apply hereinafter), the daily allowance mentioned in Art. 11 of the Law of the Costs of Civil Action and Art. 3 of the Law of the Costs of Criminal Action, the hotel charge mentioned in Art. 12 of the Law of the Costs of Civil Action and Art. 5 of the Law/ Costs of Criminal Action and the travelling expences mentioned in Art. 13 of the Law of the Costs of Civil Action and Art. 4 of the Law of the Costs of Criminal Action shall be determined by a Court, Judge of preliminary examination or requisitioned Judge within the limit of fifteen Yen, forty-five Yen, forty Yen, and three Yen per one ri excepting railway and waterway of steamship, respectively.

Article 4. To the fee mentioned in Art. 2 of the Regulations of Fees of Bailiff, the charge for writing mentioned in Art. 14 of that Regulations and the fee mentioned in Art. 15 of that Regulations, there shall be added fifty-three Sen, forty-seven Sen and one Yen and five Sen respectively.

The fees mentioned in Art. 3, para. 1 of the Regulations of Fees of Bailiff shall follow the division mentioned below:

the sum of obligation to be executed	the amount of fee
up to 200 Yen	5 Yen

up to 500 yen	10 yen
up to 1,000 yen	15 yen
up to 2,500 yen	20 yen
up to 5,000 yen	25 yen
up to 10,000 yen	30 yen
more than 10,000 yen	40 yen.

The fees mentioned in Art. 9, par. 1 of the Regulations of Fees of Bailiff shall follow the division mentioned below:

the amount of public suction	the amount of fee
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up to 200 yen	10 yen
up to 500 yen	20 yen
up to 1,000 yen	35 yen
up to 2,500 yen	50 yen
up to 5,000 yen	65 yen
up to 10,000 yen	100 yen

In case of exceeding 10,000 yen, 30 yen shall be added per 10,000 yen, provided that in this case the amount of less than 10,000 yen shall be deemed 10,000 yen.

Amount of Fee	Amount of Fee
up to 200 yen	10 yen
up to 500 yen	20 yen
up to 1,000 yen	35 yen
up to 2,500 yen	50 yen
up to 5,000 yen	65 yen
up to 10,000 yen	100 yen

In case of exceeding 10,000 yen, 30 yen shall be added per 10,000 yen, provided that in this case the amount of less than 10,000 yen shall be deemed 10,000 yen.

The amount of the daily allowance mentioned in Art. 17 of the Regulations of Fees of Bailiff shall be less than 6 yen in respect of witness and less than 15 yen in respect of expert witness, that of the travelling expences mentioned in Art. 18, para. 1 of that Law shall be less than 3 yen per one ri and that of the hotel-charge mentioned in para. 2 of that Article shall be less than 30 yen.

Except these mentioned in the preceding four paragraphs, the fees and advances prescribed in the Regulations of Fees of Bailiff shall be raised eight times.

Article 5. If the total sum of the fees received by a bailiff does not reach the sum prescribed in an Imperial Ordinance, the deficit shall be given him from the National Treasury.

Regulations concerning the Charges of the Bailiff

(Law No. 52, July 25, 1890)

Amended by Law No. 3, 1903, Law No. 54, 1911, Law No. 31, 1914 and Law No. 23, 1935.

Article 1. - The bailiff shall receive charges in accordance with the provisions of this Regulations.

Article 2. - The charges for service of document shall be 7 sen per copy.

Article 3. - The charges for seizure or provisional seizure of corporeal movables, fruits not separated from the soil, securities of exchange and other securities being able to be transferred by an indorsement shall be subject to the following classification:

Amounts of obligations to be executed	Charges
Up to 20 yen	40 sen
Up to 50 yen	60 sen
Up to 100 yen	90 sen
Up to 250 yen	120 sen
Up to 500 yen	150 sen
Up to 1,000 yen	180 sen
More than 1,000 yen	240 sen

The charges for the seizure against things seized provisionally shall be half of those prescribed in the preceding paragraph.

Amounts of obligations to be executed

Charges

Up to 20 yen	40 sen
Up to 50 yen	60 sen
Up to 100 yen	90 sen
Up to 250 yen	120 sen
Up to 500 yen	150 sen
Up to 1,000 yen	180 sen
More than 1,000 yen	240 sen

The charges for the seizure against things seized provisionally shall be half of those prescribed in the preceding paragraph.

If his business shall extend for more than three hours, three tenths of the charges prescribed in this article shall be added every hour, provided, however, that not more than one hour shall be calculated as one hour.

Article 4. - In cases where there is nothing to seize or there is no prospect that a surplus remains after paying the cost of execution even if anything to be seized is converted into money, in the place where the bailiff shall perform seizure or provisional seizure, he shall receive half of the charges prescribed in the preceding article.

Article 5. - In cases mentioned in the provisions of para. 2 of Art. 550, Para. 2 of Art. 580 and Art. 618 of the Code of Civil Procedure and where the bailiff has accepted a mandate in order to convert things into

money in the events of the death of the bailiff who had already undertaken seizure or provisional seizure or of the extinction of a mandate on account of other reasons, he shall receive half of the charges prescribed in Art. 3.

Article 6. - In case the bailiff shall sequester innumerable movables or a definite quantity of fungibles from the obligor and then shall deliver them to the obligee, the charges for him shall be one yen. If his business shall extend for more than two hours, 20 sen shall be added every hour, provided, however, that not more than one hour shall be calculated as one hour.

In cases mentioned in the preceding paragraph, if there is nothing to deliver at the place where the bailiff shall attend, he shall receive half of the charges prescribed in the preceding paragraph.

Article 7. - In case of Para. 1 of Art. 731 of the Code of Civil Procedure or where execution shall be effected according to the ruling prescribed in Para. 1 of Art. 733 of the Code of Civil Procedure, the charges for his business within three hours shall be one yen, if his business shall extend for more than three hours, 20 sen shall be added every hour, provided, however that not more than one hour shall be

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In cases mentioned in the preceding paragraph, if there is nothing to deliver at the place where the bailiff shall attend, he shall receive half of the charges prescribed in the preceding paragraph.

Article 7. - In case of Para. 1 of Art. 731 of the Code of Civil Procedure or where execution shall be effected according to the ruling prescribed in Para. 1 of Art. 733 of the Code of Civil Procedure, the charges for his business within three hours shall be one yen, if his business shall extend for more than three hours, 20 sen shall be added every hour, provided, however that not more than one hour shall be calculated as one hour.

Half of the charges prescribed in the preceding paragraph shall be paid to him, if, in case of the preceding paragraph, there is no ship at the place where he attended.

Article 7 - 2. - The provisions of the preceding two articles shall apply mutatis mutandis to the charges for the performance of provisional dispositions.

Article 8. - In case the inquiry about immovables shall be made in accordance with the provisions of Para. 3 of Art. 643 of the Code of Civil Procedure, the charges shall be paid to him subject to the classification prescribed in Art. 3.

Article 9. - The charges concerning the public auction of movables, immovables and ships shall be subject to the following classification:

Amounts of public auction	Charges
Up to 20 yen	70 sen
Up to 50 yen	120 sen
Up to 100 yen	180 sen
Up to 250 yen	240 sen
Up to 500 yen	300 sen
Up to 1,000 yen	450 sen

Upwards of 1,000 yen shall one yen be added every 1,000 yen, provided, however, that not more than 1,000 yen shall be calculated as 1,000 yen.

The provisions of the preceding paragraph shall also apply to voluntary public auction.

Article 10. - In cases where execution had been stayed in accordance with the provisions of Art. 550 of the Code of Civil Procedure or by extinction of mandate before the bailiff attended the place where he should do any act of execution, or where the mandate of execution has been terminated by payment or delivery, three tenths of the charges prescribed in each article under this Regulations shall be paid to him; however those in case of Art. 5 shall be 40 sen.

Article 11. - In cases where execution had been stayed in accordance

The provisions of the preceding paragraph shall also apply to voluntary public auction.

Article 10. - In cases where execution had been stayed in accordance with the provisions of Art. 550 of the Code of Civil Procedure or by extinction of mandate before the bailiff attended the place where he should do any act of execution, or where the mandate of execution has been terminated by payment or delivery, three tenths of the charges prescribed in each article under this Regulations shall be paid to him; however those in case of Art. 9 shall be 40 sen.

Article 11. - In cases where execution had been stayed in accordance with the provisions of Art. 550 of the Code of Civil Procedure or by extinction of mandate after the bailiff attended the place where he should do any act of execution, or where the mandate of execution has been terminated by payment or delivery, half of the charges prescribed in each article under this Regulations shall be paid to him; however those in case of Art. 9 shall be 60 sen.

Article 12. - The following acts in case of execution shall be included into those for which the charges prescribed in arts. 3 to 11 inclusive shall be paid to him;

(1) Demanding any aid of police force or causing witnesses or experts to be present;

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- (2) Making other informations as well as peremptory notices in respect of any act of execution or serving documents;
 - (3) Changing the name of named negotiable instruments into the vendee's name and making necessary statements in lieu of the debtor;
 - (4) Receiving, delivering or depositing payments, other performance, the seized money and proceeds, delivering a certificate of receipt or returning the articles seized;
 - (5) Advertising public auction.

Article 13. - The bailiff shall receive the payments of the following expenses as disbursements:

- (1) Charges for writing;
- (2) Postal charges and charges of telegraph;
- (3) Charges of public notice;
- (4) Allowances for witnesses or experts;
- (5) Allowances for workmen or labourers;
- (6) Expenses for changing name titles of negotiable instruments or for recovering negotiability of securities which have discontinued from negotiation;
- (7) Expenses for sending persons or things;

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- (2) Postal charges and charges of telegraph;
- (3) Charges of public notice;
- (4) Allowances for witnesses or experts;
- (5) Allowances for workmen or labourers;
- (6) Expenses for changing name titles of negotiable instruments
or for recovering negotiability of securities which have
discontinued from negotiation;
- (7) Expenses for sending persons or things;
- (8) Expenses of preservation and surveillance for things;
- (9) Expenses for reaping furlits;
- (10) Travelling expenses and charges for lodging.

Article 14. - In the following cases, the bailiff shall receive the charges for writing mentioned in the preceding article:

- (1) Where he has drawn up deeds or a copy of any document contained in record by virtue of the law or on application of any person interested, except a copy of the certificate of service delivered by virtue of the law;

~~interested, except a copy of the certificate of service delivered
by virtue of the law,~~

(2) Where he has drawn up any report to be submitted to the Court of execution in event of making a deposit;

(3) Where he copied the statements made by the third debtor after the service of an order for seizure.

The charges for writing shall be 3 sen per half sheet of 12 lines and 20 letters; provided, however, that not more than 12 lines shall be calculated as half sheet.

Article 15. - In case the bailiff shall give a notice or a persumptory notice not relating to execution, he shall receive 15 sen as the charges.

Article 16. - In case the bailiff shall draw up protest, the charges shall be 50 sen. If his business shall extend for more than one hour, 20 sen shall be added every hour, provided, however, that not more than one hour shall be calculated as one hour.

Article 16-2. - The charges for inspecting a record of execution and other documents shall be 10 sen per one time only in case of the documents settled already.

Article 15. - In case the bailiff shall give a notice or a persumptory notice not relating to execution, he shall receive 15 sen as the charges.

Article 16. - In case the bailiff shall draw up protest, the charges shall be 50 sen. If his business shall extend for more than one hour, 20 sen shall be added every hour, provided, however, that not more than one hour shall be calculated as one hour.

Article 16-2. - The charges for inspecting a record of execution and other documents shall be 10 sen per one time only in case of the documents settled already.

Article 16-3. - As regards the matters for which not governed the charges is not fixed, the bailiff shall receive the same charges as he shall do in the most similar matters.

Article 17. - The daily allowances paid to witnesses shall be less than 20 sen and those to experts be less than 50 sen, and it shall be paid to them by the bailiff according to the state of affairs in the district, in case he calls in them from the place far more than one ri, the travelling expenses shall be paid to them subject to the provisions prescribed in art. 18.

Article 18. - In case the bailiff performs his duties in the place far more than one ri from his own office or his branch, he shall receive the travelling expenses less than 15 sen every ri, provided, however,

that not more than filled one ri shall be calculated as one ri.

In case the bailiff needs lodging in order to perform his duties, he shall receive lodging charges not exceeding 120 sen per night.

The sum of the above travelling expenses or lodging charges shall be fixed by the President of the District Court with the approval of the President of the Court of Appeals; however, in case the District Civil Court and the District Criminal Court have their same jurisdiction, it shall be fixed by the President of the Court of Appeals or by the designated president of the District Civil Court or the District Criminal Court with the approval of the President of the Court of Appeals.

Article 19. - When the bailiff takes charge of all his affairs, he shall cause the person who has entrusted the affairs to prepay the estimated sum of charges and disbursements. Unless the person who has entrusted the affaire prepays them, the bailiff may not comply with the mandate, except in cases where he has been ordered by the Court or the Public Procurators' Office or where he takes charge of affairs on behalf of the Grantee of succour in litigation.

Article 20. - The bailiff shall receive the payments of charges or disbursements after the termination of mandate, except the case provided

the approval of the President of the Court of Appeals.

Article 19. - When the bailiff takes charge of all his affairs, he shall cease the person who has entrusted the affairs to prepay the estimated sum of charges and disbursements. Unless the person who has entrusted the affairs prepays them, the bailiff may not comply with the mandate, except in cases where he has been ordered by the Court or the Public Procurators' Office or where he takes charge of affairs on behalf of the grantee of succour in litigation.

Article 20. - The bailiff shall receive the payments of charges or disbursements after the termination of mandate, except the case provided in the provisions of Art. 554 of the Code of Civil Procedure.

Article 20. - 2. - The costs of execution prescribed in the proviso of Art. 16 of the Bailiff Regulations shall be charged upon the collected person.

The provisions of Arts. 3 to 5 and Arts. 8 to 11 shall apply *mutatis mutandis* to the case mentioned in the preceding paragraph.

Article 21. - The disbursements which the bailiff required in order to perform his duties ordered by the Court or the Public Procurators' Office shall be fixed every three months and paid to him, except the case mentioned in the preceding article.